
Appeal Decision

Site visit made on 27 January 2020

by Andre Pinto BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th February 2020

Appeal Ref: APP/M1520/D/19/3238858
37 Hope Road, Canvey Island SS8 7LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr N Bull against the decision of Castle Point Borough Council.
 - The application Ref 19/0586/FUL, dated 6 August 2019, was refused by notice dated 30 September 2019.
 - The development proposed is the partial demolition of office/garage, construction of single-storey rear/side extension, rear canopy and roof light addition to office.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have adopted the description of the development included in the Decision Notice as it more accurately describes the proposed works.

Main Issue

3. The main issue is whether the proposed development would provide appropriate living conditions for occupiers, particularly with regards to daylight, ventilation and amenity space.

Reasons

4. Located in a residential street, the appeal site accommodates a three bedroomed two-storey terraced house with a small single-storey side projection, which, at present, is occupied by a garage and an office. The garage leads directly into the office space and the office space opens onto the back garden.
5. The development proposed is for the partial demolition of the office and garage and construction of a single-storey extension that, in addition to an office would also house a dining area. The proposed new side extension would expand into the back garden, reducing the overall area of garden space.
6. At present, the kitchen receives daylight and ventilation from a window on the side elevation of the building, set back approximately 2.5 metres from the plot's boundary. It also provides some outlook for the kitchen, but this is very limited as it faces directly onto a tall fence.
7. If approved, the development proposal would allow the kitchen to open onto the proposed dining area. Considering that a widening of the size of the

- opening between the kitchen and the dining room is also proposed and that the dining room would be serviced by a fairly large roof lantern and large doors opening onto the garden, I do not find that the proposal would result in unacceptable levels of daylight in the kitchen, or ventilation.
8. Although a roof lantern is also proposed for the office, which would bring in daylight into the room, the office could be shut off from an area with external ventilation, by virtue of it not being open onto the dining area.
 9. At present, the office enjoys natural ventilation from the existing window and door on the rear elevation of the dwelling. If the proposed development were to be allowed, although a suitable alternative is proposed in terms of allowing daylight into the office space, no suitable alternative is proposed in terms of ventilation, and this room could be occupied for elongated periods of time.
 10. In addition to the above, the office would, by virtue of the development proposal, fail to provide occupiers with any outlook. As such, I do find that the environment created could become oppressive.
 11. The proposed development and consequent extension would also reduce the amount of outdoor private space available within the property. I note that, according to the Council's standards, the host property already has a level of private amenity space that is below the minimum requirement. If I were minded to allow this appeal, the development proposal would further exacerbate the property's lack of private amenity space, to the detriment of the living conditions of future occupiers.
 12. The Council has also referred to a recent appeal decision whereby an appeal was refused due to a shortfall in private amenity space. Although I do not have the specific details and circumstances of this case, I do find this decision relevant. But, in any event, I am not bound by other decisions and I must determine the proposal before me on its own merits.
 13. The proposed development would provide appropriate living conditions for occupiers in regard to sunlight and daylight. However it would fail to provide appropriate living conditions in regards to ventilation and amenity space and, in that regard, would be contrary to Policy EC2 on design of the Castle Point Borough Council Local Plan (1998) and RDG5 and RDG6 of the Castle Point Borough Council Residential Design Guidance (2013).

Conclusion

14. For the reasons given above, the appeal should be dismissed.

Andre Pinto

INSPECTOR