



Appeal Decision

Site visit made on 18 February 2020

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th April 2020

Appeal Ref: APP/M1520/W/19/3241443

Land adjacent to 24 Heilsburg Road, Canvey Island, Essex SS8 8HH

- 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 Dean Bullock (D.R. Bullock Builders Ltd) against the decision of Castle Point Borough Council.
 - The application Ref 19/0617/FUL, dated 19 August 2019, was refused by notice dated 11 November 2019.
 - The development proposed is the construction of a 3 bedroom chalet with associated facilities and new public footpath.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The Council's decision notice refers to Policy HS7 of its emerging Local Plan which deals with open space. However, I do not know the precise stage of preparation of this Plan. In addition, this policy could be subject to change and I do not know whether or not there are unresolved objections to it. Consequently, I attach limited weight to this emerging policy at this time, in line with paragraph 48 of the Framework. Instead, I give precedence to the advice of the National Planning Policy Framework (the Framework) which is referenced within the Council's decision notice.

Application for Costs

3. An application for the award of costs was made by D.R. Bullock Builders Ltd against Castle Point Borough Council. This application is the subject of a separate decision.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupants of surrounding properties, with particular regard to outlook and access to daylight; and
 - community safety and access to public open space.

Reasons

Character and Appearance

5. The appeal site is located in a large residential estate comprising tightly spaced dwellings. These include a mix of single storey, chalet style and two storey properties constructed in a variety of architectural styles. The site itself comprises a rectangular plot of open, grassed, land which runs in an east-west direction between Nos 24 and 26 Heilsburg Road. This provides informal pedestrian access between Heilsburg Road and Landsburg Road and gives the immediate area a sense of openness.
6. In addition, the site forms part of a larger corridor of similar open spaces located between several other streets. I accept that such a 'green corridor' is not a characteristic feature of this area. Nonetheless, it allows for long distance views through this part of the estate and gives visual relief from the densely developed nature of surrounding built form. With regard to all of the above, the appeal site contributes positively to the character and appearance of this area.
7. This proposal seeks permission to construct a detached, two storey, property with an associated detached single garage. The scale and design of this property would be acceptable and it would maintain the linear pattern along Heilsburg Road. Nevertheless, it would occupy a significant proportion of the appeal site. A dwelling of this size and mass would therefore erode the sense of openness. Moreover, it would restrict the long distance views that are currently available through the 'green corridor' to which the site belongs. Consequently, the scheme would diminish the pleasing break that this corridor provides from development in this area. This would reinforce its harmful impact.
8. Taking the above into account, whilst the proposal would not appear cramped upon the site, it would introduce an inappropriate feature to it that would fail to integrate effectively with the character and appearance of this part of the residential estate. Its harmful impact would be readily apparent from the public domain.
9. My attention has been drawn to a similar development at No 81 May Avenue. However, this appears to concern a parcel of open space which does not form part of a larger corridor of such spaces. It is therefore not directly comparable to the appeal proposal. I have also been referred to other developments, including at No 96 Smallgains Avenue and No 2 Wittem Road. However, in the absence of full details of these developments I cannot make meaningful comparisons with the appeal proposal. In any event, I have assessed the appeal scheme on its own individual merits.
10. For the reasons given, I conclude that the proposal would significantly harm the character and appearance of the area. It would therefore conflict with the Framework insofar as it seeks to ensure that developments function well and add to the quality of areas.

Living Conditions

11. The proposal would not extend beyond the rear or principal elevations of Nos 24 and 26. The ground floor side facing windows at these neighbouring properties that face the appeal site are already impacted upon by existing closed boarded fencing. Furthermore, the first floor side facing window at No 24 appears to be a secondary light source. Taking the above into account, I

am satisfied that the proposal would not significantly diminish the outlook from within these identified properties or their associated gardens. Given the orientation of the proposal in relation to these dwellings, I am also content that it would not harm their living conditions in terms of access to daylight.

12. The proposed dwelling would also be a sufficient distance from No 61 Newlands Road and No 23 Landsburg Road so as not to harm living conditions at these properties in terms of outlook and access to daylight. Neither would its associated single storey garage cause harm in this regard.
13. For these reasons, I conclude that the proposal would preserve the living conditions of the occupants of surrounding properties in terms of outlook and access to daylight. It would therefore accord with the Framework insofar as seeks to secure a high standard of amenity for existing users.

Community Safety and Open Space

14. The proposal would create a new footpath to the side of the new dwelling. Although bound by close boarded fences, this path would be suitably lit and surfaced. Furthermore, the Highway Authority has not raised objection to this proposal. I therefore have no substantive evidence to show that the scheme would not function well in terms of community safety. In addition, the appeal site does not appear to be formally allocated as public open space and there are playing fields nearby. Consequently, although the development of this open, grassed, area would be harmful in a visual sense, it would not prejudice access to appropriate areas of public open space.
15. For the reasons given, I conclude that the proposal would not adversely affect community safety and access to public open space. It would therefore accord with the Framework's objectives of ensuring that developments promote public safety and provide the social and recreational spaces required by the community.

Planning Balance

16. The Council accepts that it cannot demonstrate a five year supply of deliverable housing land. Consequently, paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits. This is a matter which I address below.
17. The Government is seeking to significantly boost the supply of housing. The principle of residential development at this site would be acceptable. However, regardless of the extent of the Council's shortfall of housing land, the proposal for a single dwelling would make only a minimal contribution to its housing stock. Similarly, the economic benefits of the proposal would also be minimal and would primarily relate to short-term employment during the construction period. In this context, I give limited weight to these social and economic benefits.
18. I have found that the proposal would not result in harm to the living conditions of the occupants of surrounding properties. Neither would it adversely affect community safety and access to public open space. In addition, it would also be acceptable in other respects. For example, the Council raise no objection in terms of flooding. However, the absence of harm is a neutral factor in the planning balance.

19. On the other hand, the scheme would harm the character and appearance of the area. It would therefore fail to fulfil the environmental objective of sustainability within the Framework. This is a matter which attracts significant weight against the development.
20. The Council's decision notice does not refer to any policies within its adopted development plan. However, it makes reference to the Framework, which is a considerable material consideration that carries significant weight in my decision. Taking the above factors into consideration, I consider that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits associated with the provision of a single dwelling. Thus, there is conflict with the Framework and it does not indicate that planning permission should be granted in this instance.

Conclusion

21. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

M Heron

INSPECTOR