
Appeal Decision

Site visit made on 21 July 2020

by Guy Davies BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 July 2020

Appeal Ref: APP/M1520/W/20/3245350

Land to the rear of 2 Cedar Park Close, Thundersley, Benfleet, Essex SS7 3RU

- 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 Alan Green of A9 Architecture against the decision of Castle Point Borough Council.
 - The application Ref 19/0521/FUL, dated 11 July 2019, was refused by notice dated 18 September 2019.
 - The development proposed is to demolish existing garage and construct 1 No. dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - The character and appearance of the area
 - The living conditions of future occupants, with respect to garden area
 - The living conditions of neighbouring occupants, with respect to overlooking and on-street parking.

Procedural Matters

3. Demolition of existing garage is included in the description of development on the application form although when I visited the site I noted that it had already been demolished.
4. The address of the appeal site is given as 2 Cedar Park Close on the application form. The site forms part of the former rear garden to that property which has now been fenced off and does not include the host dwelling. I have therefore used the address given on the appeal form as being more accurate.
5. The appellant references paragraphs 56-58 of the National Planning Policy Framework on design. This version of the Framework has been superseded by a later version published in February 2019. I have had regard to similar advice on design in paragraphs 124-132 of the more recent version of the Framework.

Reasons

Character and appearance

6. The proposed development relates more to Cedar Road than Cedar Park Close because it would front onto and take access from the former road. Cedar Road is characterised by bungalows and houses in a variety of styles, all of which front onto the road and are separated from it by front gardens bounded by low walls or hedges. Most have garages or driveways to their sides, and some have forecourt parking.
7. The dwelling would be positioned closer to its front boundary than is typical for properties in Cedar Road. It would fill the width of the plot other than for narrow pedestrian paths to either side, with no room for a driveway or garage to the side as is commonly seen in other properties in the road. The area in front of the dwelling would be taken up entirely by hardstanding, with no opportunity for planting to soften the appearance of the site. The shallow depth of the plot would also limit opportunities for much planting to establish at the rear of the dwelling. As a result of these features, it would appear cramped and out of character with the prevailing layout and appearance of the area.
8. The appellant has compared the size of the appeal site to other plots in the immediate area. Even when compared to the smallest of these, the appeal site is still smaller, and is noticeably shallower in depth. In comparison, the nearest properties at 16 and 18 Cedar Road are set back further from the road and have garages or drives to their open sides, providing a setting that the appeal proposal would lack. I note that soft landscaping is very limited in the front gardens to these two properties, in part because of the turning head, but that is relieved by the view of greenery at the end of the road, which would be lost as a result of the proposed development. In most other properties in Cedar Road, front gardens provide space for planting that benefits the appearance of the area. That would not be the case with the proposed development.
9. Supplementary planning guidance in the Council's Residential Design Guide advises that plot sizes should be proportionate to the size of the dwelling occupying it, and that space around all new development should be informed by the prevailing character of space around dwellings. I consider that the proposed development would not be proportionate to the plot and would lack the space needed to provide a setting and layout comparable to the prevailing character of the area.
10. I conclude that the proposal would harm the character and appearance of the area and would thereby conflict with policy EC2 of the Castle Point Borough Council Local Plan, which requires new development to achieve a high standard of design, be appropriate to its setting, and enhanced by appropriate hard and soft landscaping. It would also conflict with the advice given in the Residential Design Guide for the reasons given above.

Living conditions of future occupants

11. The Residential Design Guide provides guidance on the minimum level of amenity space for residential development, which in this case is for a minimum of 60m² of garden space. The amount of garden space proposed for the development at 50m² would fail to meet this guidance.

12. While I accept that this is guidance rather than policy and needs to be considered in that context, it nevertheless provides help in deciding what may be considered a reasonable amount of garden space. In this case, the proposal has been designed as a small family dwelling. Although the appellant has suggested it would be sought after by an ageing couple or wheelchair users, there is no reason why it could not accommodate a range of different occupants, with commensurate need for garden space.
13. The private garden area at the rear of the dwelling would be very limited in size and depth. All outside activity would have to take place close to the rear of the dwelling, and there would be little space available for play equipment or other outside domestic paraphernalia. I note that a small amount of space is available at the front of the plot for refuse storage, but this does not compensate for the lack of garden area.
14. I conclude that the size of the garden area would be inadequate for the size of dwelling proposed and as a result would provide unacceptable living conditions for future occupants, in conflict with the minimum standard set out in the Council's Residential Design Guide, which advises that amenity space should cater for all the outdoor needs of all occupiers.

Living conditions of neighbouring occupants

15. The proposed dwelling would have two forward facing dormer windows at first floor level, one lighting a stairwell and the other a bedroom. These windows would look out onto Cedar Road and the front garden of the adjacent property at 18 Cedar Road. The garden is already open to public view from the road and I do not consider that the proposed dwelling would materially worsen that situation. In terms of overlooking between windows, the angled position of the two dwellings and the fact that the windows in the adjoining property are already visible from the road would in my view avoid materially worsening actual or perceived overlooking.
16. The parking space running parallel to the front of the building would be very awkward to use, manoeuvring being constrained by the front of the building and adjacent fence. It could not be used independently of the other parking space, which if in use would block access to it. As a result of these features, I consider that it would be likely that any second vehicle associated with the property would be parked on the road. It is not possible to park on the road immediately outside the site and therefore a vehicle would have to be parked some way down the road outside another property. While there are no parking restrictions preventing on-street parking taking place, such an arrangement would not be a neighbourly or convenient solution to parking for the property.
17. While I find no harm on the grounds of overlooking, I consider that the living conditions of neighbouring occupants would be harmed by an increase in on-street parking, and the proposed parking arrangements would therefore conflict with policy T8 of the Castle Point Borough Council Local Plan, which requires new development to meet standards for car parking. It would also conflict with the Council's Residential Design Guide on parking and access.

Other Matters

18. The Council acknowledges that there is a lack of a five year housing land supply in the Borough. The 'tilted balance' in paragraph 11 of the National

Planning Policy Framework therefore comes into consideration. However, the adverse impacts caused to the character and appearance of the area, and the living conditions of future and neighbouring occupants, would in my view significantly and demonstrably outweigh the limited benefit of adding one additional unit to the Borough's housing stock, for the reasons set out above.

Conclusion

19. I conclude that the appeal is dismissed.

Guy Davies

INSPECTOR