



Appeal Decision

Site visit made on 14 September 2020

by Stephen Wilkinson BA, BPI, Dip LA, MBA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2020

Appeal Ref: APP/M1520/W/20/3251378

Land north of 11 Bartley Road, Thundersley, Benfleet, Essex, SS7 4DB

- 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 David Lacey against the decision of Castle Point Borough Council.
 - The application Ref 19/0932/FUL, dated 22 December 2019, was refused by notice dated 17 February 2020.
 - The development proposed is 2no, 2 bed detached bungalows with integral garages, off street parking and new cross overs.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposals on:
 - the character and appearance of the area, and
 - the living conditions of No. 6 Albert Road in respect of enclosure and loss of sunlight.

Reasons

Character and appearance of the area.

3. The appeal site enjoys frontages to both Albert and Bartley Roads. This allows properties on Albert Road to have relatively deep gardens and contributes to the area's open character.
4. The inclusion of two dwellings on this site, facing each road frontage, would undermine the area's established character given their limited separation distances. In this respect the proposed development would appear cramped in contrast to the prevailing character of the surrounding area.
5. I acknowledge that an urban land capacity study identified that the site could accommodate 2 dwellings but it is unclear the level of detail which informed this study leading to this conclusion. I have arrived at my decision based on the scheme before me.
6. For these reasons I conclude on this main issue that the proposal would be contrary to the character and appearance of the area and would be contrary to Policy EC2 of the Local Plan (1998) which requires that new development does

not harm the character of its surroundings. Although the Council cite a conflict with policy RDG¹³, this is only Guidance which I accord less weight.

Living Conditions of the occupiers of No. 6 Albert Road

7. The proximity of the proposed dwelling on Plot 1 together with its orientation on the south side of the boundary with No 6 Albert Road would adversely impact on the living conditions of the occupiers of this property.
8. These impacts would be experienced through an unacceptable degree of enclosure and loss of sunlight. I acknowledge that the scheme has been designed to minimise impacts through a hipped roof but this would be insufficient to reduce these impacts caused by its height and proximity. Given that there are rear windows in the existing property which serve habitable rooms the proposals would prejudice the enjoyment of the property and its rear garden.
9. Whilst there is a small single garage in the rear garden of No 6 Albert Road this would not sufficiently reduce the impacts of the proposed scheme to overcome my concerns on this issue. The appellant cites BRE² guidance on acceptable tolerances of sunlight and whilst I have not made my own calculations on the potential loss arising from this development on the garden of No 6 Albert Road, I accept that this would not be for a prolonged period during the day.
10. For these reasons I conclude on this main issue that the proposals would be contrary to Policy RDG3 which seeks to ensure that new development should not result in excessive overshadowing or dominance.

Other Considerations and the Planning Balance

11. Both parties are in agreement that the Council cannot demonstrate a 5 year housing land supply. Accordingly, unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the National Planning Policy Framework (the Framework), taken as a whole, planning permission should be granted for the appeal scheme.
12. Part of the social role of sustainable development as defined by the Framework would be achieved through this scheme, for instance through the delivery of new homes close to local services and facilities. The scheme could also make a limited economic contribution to sustainable development through employment during its construction phases as well as through additional local spend by the residents of the proposed houses.
13. Nonetheless good design is a key aspect of sustainable development as recognised by the Framework. Accordingly, given my findings above concerning the resultant harm to the character and appearance of the area and the adverse impacts of the proposal on the neighbouring property, the scheme would fail the environmental dimension of the Framework.
14. The harm arising would significantly and demonstrably outweigh the positive social and economic dimensions of the proposals including the modest contribution of 2 dwellings to housing supply. Consequently, the appeal scheme is not sustainable development for which there is a presumption in favour.

¹ Residential Design Guide (RDG) Supplementary Planning Guidance 2013

² Building Research Establishment

Other Matters

15. The appellants identified that a single dwelling was recently granted permission on a site within the neighbourhood which they cite as a precedent. However, whilst I do not know the details of the site's planning history, the site's relationship with neighbouring properties is different from that of Plot 1 of the appeal scheme. It is this relationship which is significant when comparing the two schemes and is what distinguishes it from the appeal proposals.
16. I have taken into account the other matters raised by interested parties but this does not alter my overall decision.

Conclusions

17. For the above reasons the appeal is dismissed.

Stephen Wilkinson

INSPECTOR