



Appeal Decision

Site visit made on 16 November 2020

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31/12/2020

Appeal Ref: APP/M1520/W/20/3250757

66 Wavertree Road, South Benfleet, Benfleet SS7 5AP

- 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 White, Homestead PLC, against the decision of Castle Point Borough Council.
 - The application Ref 19/0860/FUL, dated 14 November 2019, was refused by notice dated 23 January 2020.
 - The development proposed is demolition of existing house and replacement with 5 new dwellings proposed new private road with alterations to road and pavement, offstreet parking, 2x visitor parking spaces, 2x proposed cross-overs.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed development is described on the decision notice and appeal form as the demolition of existing house and replacement with 5 No. dwellings including new private road with alterations to road and pavement and associated facilities. This is a more succinct description than on the application form, quoted above, so I have based my decision on this.

Main Issues

3. I consider that the main issues are the effect of the proposed dwellings on:-
 - the character and appearance of the area; and
 - the living conditions of the occupiers of neighbouring properties and future occupiers of the new dwellings.

Reasons

4. The appeal site comprises of a detached dwelling in a row of dwellings along Wavertree Road. To the rear the site wraps around the rear gardens of Nos 70, 72 and 74 Wavertree Road. Plots 1 and 2 would replace the existing dwelling at No 66 and front Wavertree Road whilst Plot 3 would be located to the rear of plots 1 and 2 and plots 4 and 5 would be located to the rear of Nos 70, 72 and 74. A single access from Wavertree Road would serve plots 3, 4 and 5.

Character and Appearance

5. Local Plan Policy EC2¹ indicates that the Council will expect a high standard of design in relation to new buildings and satisfy a set of criteria. Amongst other things, the scale, density, siting, design and layout shall be appropriate to its setting and not harm the character of its surroundings. The National Planning Policy Framework further emphasises the importance of good design².
6. Plots 3, 4 and 5 would be sited behind the existing and proposed houses fronting Wavertree Road and so would represent a break in the linear pattern of development. However, I find no reason why this in itself is indicative of poor design so as to conflict with the Framework or policy EC2.

Living Conditions

7. The design advice in the Framework includes reference to the amenity of future and existing users and general advice for residential development is provided in the Council's Residential Design Guidance SPD³. RDG3 relates to building lines and the position of new development in relation to them.
8. The Council consider that plots 3 and 4 would have a harmful effect on the living conditions of neighbouring properties. No 62 Wavertree Road is one of a pair of semi-detached dwellings with a fairly long but narrow rear garden. Plot 3 would comprise of a substantial detached two storey house that would be located close to the garden boundary with No 62. Given the size of the proposed house and its proximity to the boundary it would appear very dominant and therefore have an adverse effect on the enjoyment of the neighbouring rear garden.
9. Plot 4 would comprise of a substantial two-storey house that would extend across the rear gardens of Nos 70 and 72 Wavertree Road. This would present a long side elevation to the north that would appear oppressive and prominent at the end of the neighbours' gardens. This would have a harmful effect on the outlook from the houses down the gardens in relatively close proximity.
10. Turning to the living conditions of future occupiers, SPD Policy RDG16 requires all new dwellings to provide appropriate internal space and circulation. The Council also refer to the nationally described space standards. RDG6 seeks to ensure that amenity space should cater for the outdoor needs of occupiers.
11. The concerns raised by the Council relate to plot's 3 bedroom space and pots 1, 2 and 3's outdoor amenity space. With regard to plot 3's bedroom space this is illustrated as a four bedroom property with the fourth bedroom being very small. The other three bedrooms however, provide reasonable accommodation, even if not all would be realistic double bedrooms. Given the overall living accommodation that plot 3 would provide I do not consider that this dwelling would provide substandard living accommodation and I find no harm likely to arise for future occupiers in this regard and no conflict with the objectives of the nationally described space standards or RDG16 would arise.

¹ Castle Point Borough Council Local Plan Written Statement, Adopted 17 November 1998.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

³ Castle Point Residential Design Guidance Adoption Statement, Adopted as a Supplementary Planning Document on 1 January 2013.

12. With regard to outdoor amenity space, the Council question the provision for plots 1, 2 and 3. The Council SPD provides guidelines for amenity space which in the case of individual dwellings is calculated on the bases of habitable rooms. By the Council's calculations plots 1,2 and 3 fall short of the minimum provision. However, the SPD also refers to the usability of that space and I consider that each dwelling would be provided with a reasonable and useable amount of outdoor amenity space, albeit on the small size for dwellings of these sizes. In itself, I do not consider that this provision would be harmful to the living conditions of future occupiers and no conflict with RDG6 would arise.

Other Matters

13. Nearby residents have raised a number of concerns including highway, parking and access concerns as well as the effects on wildlife and residential amenity. The appellant has raised various matters including the Council's position with regard to its provision of housing land supply and matters of sustainability. I have considered these and all other matters raised in my assessment of this appeal.

Conclusion

14. The overall development of five dwellings as proposed raises various concerns, some of which I share. Whilst I do not find that the character or appearance of the area would be unduly harmed by building to the rear of the otherwise linear development along Wavertree Road, I do find that some of the detailing for five dwellings would result in a cramped and oppressive development. In this respect, I have found that plots 3 and 4 are of a scale and design and location as to appear overbearing and overdominant to the occupiers of the existing dwellings at Nos 62, 70 and 72 Wavertree Road. I have not found that the living conditions of occupiers of the proposed houses would be unduly harmed; these would be substantial detached dwellings with modest outdoor amenity space.
15. On balance I consider that the proposal would conflict with policies as referred to above and therefore for the reasons I have explained, the appeal fails.

J D Clark

INSPECTOR