The Planning Inspectorate

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: 07/01/2021

Appeal Ref: APP/M1520/W/20/3250375
23 Malyon Court Close, Thundersley, Benfleet SS7 1TX

- 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 Darren Clark against the decision of Castle Point Borough Council.
- The application Ref 19/0711/FUL, dated 30 September 2019, was refused by notice dated 26 November 2019.
- The development proposed is retain existing host dwelling and erect proposed 4 bedroom detached dwelling to land at rear.

Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the proposed dwelling on: -

    - the character and appearance of the area; and
    - the living conditions of the occupiers of the existing house.

Reasons

Character and Appearance

3. No 23 Malyon Court Close is a detached dormer bungalow at the head of a cul-de-sac with a piece of land off-set from No 23 but accessed from its driveway. A previous garage had been removed at the time of my site visit and the land was fairly unkempt. The proposed house would share No 23's access which would mean car parking for No 23 was restricted to the area in front of the house.

4. Local Plan Policy EC2[1] indicates that a high standard of design will be expected throughout the Borough. The text accompanying the policy explains that in a relatively densely urbanised area such as Castle Point, it is particularly important to ensure that a high quality of design is achieved in order to maintain an environment that is visually attractive and retains a sense of place and identity. The policy sets out criteria for new development which includes, amongst other things, its appropriateness to its setting which should not harm

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

the character of its surroundings. This is consistent with the importance of good design as set out in the National Planning Policy Framework[2].

5. The position of the proposed house would bear little relationship to the rest of the cul-de-sac as it would in effect be behind No 23 which is itself at the head of the cul-de-sac. Whilst the arrangement of the existing house and the proposed area of land which would accommodate the new house is a slightly unusual one, the resulting development would fail to meet the high standards of design required by either Policy EC2 or the Framework. No 23 would be left with no driveway as the existing drive would serve the proposed house; it would leave the existing house with space only to park directly in front of it; and the available outdoor amenity space remaining would be limited.

6. The proposed house may well meet various standards for privacy, overlooking etc but the resulting relationship between these two properties would be a poor one. The proposed house would not reflect the character of the existing cul-de-sac and its poor relationship to its setting would not be indicative of good design. I therefore find that this arrangement has little merit and I am unable to support an arrangement that I consider would be harmful to the character and appearance of the area.

Living Conditions

7. The Council's Residential Design Guidance SPD RDG12[3] advises on parking and access. Amongst other things, these should be sensitively sited in respect of residential amenity. Future occupiers of the proposed house would access the house from the end of the cul-de-sac in front of No 23 and drive down alongside its side elevation. Whilst headlights could be intrusive, I do not consider that they would be any more so than those likely to occur from vehicles accessing or visiting other properties at the end of Malyon Court Close. However, the combination of vehicular activity associated with the proposed house, the existing house and other traffic in the cul-de-sac adds to my concern about the proposal and potentially have an adverse effect on residential amenity.

Other Matters

8. The appellant points out that the Council does not have a five-year housing supply of land and has failed to deliver the required number of new homes for some years. Whilst this is a matter for consideration, I do not accept that the benefits to the supply of housing in the Borough by this proposal outweigh the harm I have identified above. I have considered all other matters raised but none alter my conclusion.

Conclusion

9. I consider that the position of this house set behind No 23 Malyon Court Close would create a poor layout in relation to the character and appearance of the area in particular with regard to the day to day functioning of the house and associated comings and goings. Furthermore, whilst the effect of headlights as such would have minimum effect on the occupiers of the existing house at No 23, compared with other activity associated with vehicle access, parking and

[2] Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019.
[3] Castle Point Residential Design Guidance Supplementary Planning Document, Ratified 14 November 2012, Effective from 1 January 2013 (SPD).

manoeuvring in the cul-de-sac, the arrangement would be a poor one and therefore potentially be harmful to the living conditions of existing occupiers of No 23.

10. The proposal would conflict with Local Plan Policy EC2 and SPD RDG12 and the objectives of the Framework and therefore the appeal fails.

J D Clark

INSPECTOR