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## 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**

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**Appeal Ref: APP/M1520/W/19/3241445**

**Land Adjacent to 30 Tewkes Road, Canvey Island, Essex SS8 8HF**

- 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 19/0616/FUL, dated 19 August 2019, was refused by notice dated 11 November 2019.
  - The development proposed is construction of a 3 bedroom chalet with associated facilities and new public footpath.
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### Decision

1. The appeal is dismissed.

### Application for costs

2. An application for 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

3. I consider that the main issues are the effect of: -
  - the proposed dwelling on the character and appearance of the area and the loss of an area of open space; and
  - the alterations to the footpath link and the creation of a new footpath.

### Reasons

4. The appeal site comprises an open area of land between Nos 30 and 32 Tewkes Road and forms part of an informal pedestrian link through to Heilsburg Road and beyond.

#### *Character and Appearance*

5. The appeal site provides a gap in the built up area and the proposal would fill in most of this gap with a new house fronting Tewkes Road and a detached garage fronting Heilsburg Road. There are different styles of dwelling in the area, including bungalows and two-storey houses and the appellant described the proposed one here as a chalet. It would appear as a two-storey detached house with its front door on the side, a front pediment and a first floor dormer window across the rear elevation.

6. I consider that this gap between dwellings is an important visual break in the street scene and forms part of a linear link running from east to west through the nearby residential streets. Although it is not a designated area of public open space it does serve a purpose in this urban environment. The construction of a dwelling would result in its loss, notwithstanding the narrow footpath through that would be retained.
7. Whilst there are two-storey houses opposite, there are also bungalows in Tewkes Road, including at No 30. The proposed house would incorporate low eaves but it would appear as a tall and narrow house on this plot of land. It would appear quite prominent in the street scene especially as it would substantially close off the gap.
8. I consider that a house in this location, of the height, design and appearance together with the resulting loss of the open gap in the street would have a harmful effect on the character and appearance of the area. The Council do not quote a development plan policy in this respect but the National Planning Policy Framework<sup>1</sup> is referred to and this places great emphasis on the importance of good design which I consider is not demonstrated in this proposal.

#### *Footpath*

9. The site is part grassed with a worn pathway through it. It appears to be well used and it is an open link between streets linking up with similar gaps on the other side of Tewkes Road and through to Heilsburg Road and beyond. The proposal would retain a footpath alongside the boundary with No 30 Tewkes Road but unlike the existing open area it would be fenced and fairly narrow. I note that the submitted plans includes lighting columns at either end of the footpath but nevertheless walking along this constructed pathway would be very different than the more open existing arrangement.
10. Again, the Council has not referred to a development plan policy but refer to the Framework. Amongst other things, this promotes healthy and safe communities. In this case, whilst a walkway would be retained through the site for members of the public to use, I do not consider that this reflects the objectives of the Framework. I cannot therefore find any merit in this arrangement and consider that people would feel less safe than they may do now with the existing arrangement.

#### *Other Matters*

11. The Council refers to its emerging new Local Plan<sup>2</sup>. Little information has been submitted about the status of this plan but it seems to be at a very early stage and so I have afforded it very little weight. Also, the Committee report refers to previous approvals on Canvey Island but, in my view, the effects of the proposal would be harmful for the reasons I have set out above and I am not convinced that other proposals should justify overcoming the harm I have identified. The Council also refers to its shortage of a supply of housing land but whilst this can be a material consideration, on the basis of the information presented, I find little justification for allowing this development based on the contribution that this site may make to the supply of housing in the area. I have considered all other matters raised by the appellant and by third parties.

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<sup>1</sup> Ministry of Housing, Community and Local Government National Planning Policy Framework, February 2019 (the Framework).

<sup>2</sup> New Castle Point Local Plan Pre-submission Plan 2018-2033 December 2019.

## **Conclusion**

12. I have found that the proposal would have a harmful effect on the character and appearance of the area and the loss of this area of open space would have a harmful effect on the street scene. I have also found that the alterations to the existing pedestrian walkway and the provision of an alternative public footpath would have a harmful effect on the users of the footpath, creating a less attractive and potentially less safe through way.
13. I have considered all other matters raised but none alter my conclusion. I conclude that the proposal would be unacceptable for the reasons I have set out, it would conflict with the objectives of the Framework and therefore the appeal fails.

*J D Clark*

INSPECTOR