

Appeal Decision

Site visit made on 17 December 2020

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 13 January 2021

Appeal Reference: APP/M1520/W/20/3257435

Land adjacent to 88 Holbek Road, Canvey Island, Essex SS8 8NL

- 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 P Peters against the decision of Castle Point Borough Council.
 - The application (reference 20/0312/FUL, dated 18 May 2020) was refused by notice dated 13 July 2020.
 - The development proposed is described in the application form as “proposed new dwelling and public footpath”.
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Decision

1. The appeal is allowed and planning permission is granted for “proposed new dwelling and public footpath”, on land adjacent to 88 Holbek Road, Canvey Island, Essex SS8 8NL, in accordance with the terms of the application (reference 20/0312/FUL, dated 18 May 2020), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the character and appearance of the surroundings.

Reasons

3. The appeal site lies within a closely built up residential area of Canvey Island, near to the south coast of Essex, on the Thames Estuary. The area is laid out in a grid-like street pattern and Holbek Road lies to the north of the main road through the suburb (the B1014 Point Road), running roughly parallel to it. The locality is characterised by a variety of detached and semi-detached houses and bungalows, in different but generally conventional styles.
4. The appeal site is located within the frontage of Holbek Road, between two chalet bungalows at numbers 88 and 86, opposite the junction of Holbek Road and Henson Avenue. It is an open and undeveloped area of grass, which is evidently well used as a pedestrian route between Holbek Road and the end of Elderstep Avenue (and onwards to the main road to the south). Although a set of fixed bollards prevents its use as a through route for vehicles, the land is open at each end, with fences either side, defining the adjoining plots.

5. It is now proposed that a footpath should be constructed alongside the western boundary of the site (adjacent to number 86), with a width of 1500mm and a 200mm verge, as shown on the application drawings. A new dwelling would be constructed on the remaining plot of land.
6. The 'National Planning Policy Framework' (which was revised in February 2019) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. It is aimed at achieving good design standards generally, which includes protecting existing amenities and providing good standards of accommodation.
7. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy EC2 of the 'Castle Point Borough Council Local Plan' (which was adopted on 17 November 1998) and which seeks a "high standard of design".
8. The Council's 'Residential Design Guidance Supplementary Planning Document' (which became effective on 1 January 2013) is also relevant, though it does not have the same force as Policies in the Development Plan. It includes specific guidance on plot sizes and RDG1 recognises that plot sizes for new development should be "informed" by the prevailing character of plot sizes. The guidance also recognises that flexibility can be permitted, of course.
9. The appeal proposals include the provision of a new 1.5 metre wide footpath as part of the overall scheme, to preserve the connection between Holbek Road and Elderstep Avenue. The link would be relatively short and not particularly secluded, making it a practical, functioning path.
10. Evidently, the useful area of the plot would thus be reduced in width. The width would not be so greatly reduced as to be incompatible with the surroundings, however, while the length of the plot would be greater than that of some of its near neighbours. Plot sizes and shapes in the locality are variable and, in this case, a reasonable and practicable plot size would be retained.
11. The new dwelling would be designed in the form of a chalet bungalow, like its immediate neighbours, but the narrower roof span would generate a more steeply pitched roof. The front and rear elevations would be formed by the new gables at each end of the roof but they would not be out of place in the streetscene, which already affords some variation in designs. The side elevations would be relatively plain, dominated by long roof slopes with modest dormers inserted approximately midway along the roof planes. Although the dormers appear to stand out on the two-dimensional drawings of the gable end elevations they would not be overly obtrusive in reality.
12. Thus, the proposed development would accord with local and national planning policies, including Policy EC2 of the 'Local Plan', and the site would not be over-developed, in planning terms.
13. In the submissions, reference has been made to the use of the land by members of the public, as a pedestrian route or as a small open space. Even so, the Council has confirmed that the site is not formally designated as public open space. This planning appeal cannot determine whether or not there may

be existing public rights over the land but, nevertheless, the proposed provision of a new "public footpath" through the site is clearly a positive feature of the project that needs to be assured.

14. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed new dwelling would represent a useful, if small, contribution to the supply of housing in the area. That is especially important where, as reported, the Council has been "unable to demonstrate a five-year supply of deliverable housing sites".
15. In short, I have concluded that the project would not be in conflict with the Development Plan, in principle, and I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations I have found nothing to cause me to alter my decision.
16. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal).
17. I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained. The approved drawings are identified in the condition that has been imposed, including drawings that show flood defence structural details and the surface water network design.
18. The drawings also show details of the proposed on-site parking provision and it is necessary for an additional condition to be imposed to ensure that this provision is properly completed before the new dwelling is occupied.
19. I have noted that dormer windows at first floor level, serving a stair and bathroom respectively, would face the neighbouring properties. The effect on the outlook from neighbouring properties would be acceptable in planning terms, taking account of the urban location, but I accept that the neighbours' privacy ought to be protected. Therefore, it is necessary for these windows to be glazed with obscured glass and I have imposed a suitable condition accordingly.
20. On the other hand, the use of render on the new dormers would not be so obtrusive that it would be justifiable to insist on an alternative material. Indeed, the long side roof slopes could benefit from the creation of these more noticeable features. In my view, therefore, a condition requiring the use of tile-hanging on the new dormers is not necessary in this case.
21. Nor is it necessary for permitted development rights to be removed for the completed dwelling, bearing in mind that such restrictions should only be imposed where there is clear justification to do so.
22. It is noted that the appeal site lies within an area that is at risk of flooding, although its development would not be objectionable in principle on that basis. It is, however, necessary for conditions to be imposed to ensure that the new construction would be flood-resilient and to protect the occupants of the new dwelling in the event of a flood. The approved drawings include measures relating to flood defence but an additional condition is also required to provide for a Flood Response Plan.

23. The terms of the application and the details shown on the submitted drawings make it clear that the proposed footpath that is included in the scheme is to be regarded as a desirable public benefit. Nonetheless, and for the avoidance of doubt, it is necessary for the footpath to be protected by the imposition of a suitable condition that would require it to be constructed before the new dwelling is occupied and to prevent it from being closed in the future, thus ensuring that the appeal proposal is fully implemented.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - drawing number CAD/PP/20381/001B (Composite Plan as Proposed);
 - drawing number CAD/PP/20381/002A (Existing and Proposed Site Plans);
 - drawing number A0040-1 ("Flood Defense Structural Detail");
 - drawing number YGC7188/01/01 ("Surface Water Network Design").
3. The new dwelling that is hereby permitted shall not be occupied until the proposed windows at first floor level in the east and west (side) elevations of the building have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the level of the first floor of the dwelling shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the windows are installed and once installed the obscured glazing shall be retained thereafter.
4. Prior to first occupation of the dwelling hereby permitted, the area shown on the approved drawings as being dedicated to car parking and manoeuvring shall be laid out and brought into use as such, with a suitable crossover in the highway and with a functioning electric vehicle charge point. These facilities shall be retained and used for no other purpose thereafter.
5. The Flood Response Plan at Appendix E of the Flood Risk Assessment prepared by Contour Architectural Designs (reference CAD/PP/20381/FRS, dated February 2020) shall be enacted upon occupation of the dwelling house and thereafter maintained at all times that the dwelling is occupied. Any revisions to the plan shall first be submitted to and approved in writing by the local planning authority.
6. Prior to first occupation of the dwelling hereby permitted, the proposed new footpath, which forms part of the development that is hereby permitted, shall be laid out and made available for use as such. No gates, fences or other obstruction shall be placed, constructed or allowed to remain on the footpath and this part of the land shall be used for no other purpose.