



Appeal Decision

Site visit made on 11 January 2021

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 January 2021

Appeal Ref: APP/M1520/W/20/3257360

Land Adjacent to 2 Napier Gardens, Thundersley, Benfleet SS7 3UZ

- 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 Ms Jo Hitchcock against the decision of Castle Point Borough Council.
 - The application Ref 20/0185/FUL, dated 5 March 2020, was refused by notice dated 6 May 2020.
 - The development proposed is a chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effects of the proposed development on:
 - The character and appearance of the local area; and
 - the living conditions of the occupiers of the existing dwelling on the appeal site, with reference to private outdoor amenity space.

Reasons

Character and Appearance

3. The proposed development involves the subdivision of the plot that forms the appeal site at 2 Napier Gardens (No2) and the construction of a new detached one bedroom chalet bungalow. A useful addition to the housing stock of the borough.
4. The plot of the appeal property is squared in shape, with a long street frontage. The position of the existing semi-detached dwelling on the plot, therefore, results in the majority of its existing garden space being to one side. This side garden space is currently set behind a tall timber fence fronting the street.
5. This does not fully reflect, the shape, size and layout of neighbouring residential housing plots or those found more generally in the local area, where dwellings sit on longer plots, more oblong in shape, with narrower street frontages and gardens larger to the rear than front. However, although

larger than their corresponding front gardens, the rear gardens of neighbouring properties do vary considerably in size.

6. The proposal would result in both the existing and proposed dwelling having plots of similar shape and size to each other. Both resulting plots would also be similar in width and with front gardens similar in depth to that of their immediate neighbours and the other local properties. Both proposed rear gardens would appear to be smaller in plan than those of properties in the immediate local area, however, this would not be apparent in immediate views of the property from the public realm or more general wider views.
7. The proposal would result in 2 plots and layouts that, notwithstanding their slightly smaller rear gardens, would reflect more of the form of the plots that make up this aspect of the character of the local area. On the street frontage the proposal would also reflect the width of the plot of neighbouring properties and would not be out of keeping with the apparent streetscene of Napier Close. On balance, I therefore find no harm would result to the character and appearance of the local area.
8. For these reasons, I find that the proposal does not conflict with saved policy EC2 of the Castle Point Local Plan (2007) and the guidance contained in RDG1 and RDG 2 of the Castle Point Residential Design Guidance SPD (2013) (the SPD), which collectively seek, amongst other matters, to ensure that the design and layout of development is appropriate to its setting and does not harm the character of its surroundings.

Living Conditions

9. The council has calculated that the 6 habitable rooms of the existing dwelling at No 2 would comprise 99 square metres and that to meet the guidance contained in RD6 of the SPD the provision of 90 square meters of outdoor amenity space would be required. However, the proposed subdivision of its existing plot would result in a rear garden space of some 55 square metres. The appellant has not questioned the Council's calculations in this regard and I, therefore, give them great weight in my considerations.
10. Given that the proposed front garden space for the existing would be fully open to the street, with little privacy and the proposal indicates that it would be used predominantly for hard standing for cars, I do not consider it to be an outdoor amenity space for the purposes of RD6. Therefore, the proposed outdoor amenity space of the existing dwelling would be a substantial shortfall on that required.
11. For these reasons, the proposal would result in significant harm to the living conditions of the existing and future occupiers of the existing dwelling at No 2, in conflict with guidance contained in RDG 6 of the SPD and paragraph 127 (f) of the National Planning Policy Framework, which seek to ensure that developments create places with a high standard of amenity for existing and future users.

Conclusion

12. Whilst the proposal would not result in harm to the character and appearance of the local area, lack of harm is a neutral point in terms of my considerations.

Although I have further found that the proposal would result in the useful addition of a single dwelling unit for smaller households to the housing stock of the borough, this would not outweigh the harm to living conditions that I have identified.

13. Accordingly, for the reasons given, the appeal is dismissed.

Victor Callister

INSPECTOR