



Appeal Decision

Site visit made on 2 July 2021

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

an Inspector appointed by the Secretary of State

Decision date: 14 July 2021.

Appeal Ref: APP/M1520/D/21/3267551
126 Church Road, Benfleet SS7 4EP

- 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 B Malyan against the decision of Castle Point Borough Council.
 - The application Ref 20/0642/FUL, dated 15 September 2020, was refused by notice dated 9 November 2020.
 - The development proposed is demolition of garden room, utility and garage workshop, construction of single storey rear extension, two storey side extension and single storey front extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garden room, utility and garage workshop, construction of single storey rear extension, two storey side extension and single storey front extension at 126 Church Road, Benfleet SS7 4EP in accordance with the terms of the application, Ref 20/0642/FUL, dated 15 September 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - *Drawing Nos: CR.20.01 & CR.20.02.*

Procedural Matter

2. Whilst the proposal includes single storey front and rear extensions, the planning application was refused on the effect of the two storey side extension only. Whilst I have considered the proposal as a whole, my assessment is mainly based on the two storey side extension.

Main Issue

3. I consider that the main issue is the effect of the two storey side extension on the character and appearance of the area.

Reasons

4. The appeal site is a semi-detached house set back from the road. This set back is accentuated by the grass verges and footpath between the front boundary of the site and the road. The adjacent property, No 124 is a bungalow and also set well back from the road. The relationship between the two properties is such that the overall appearance is a very open one.
5. Local Plan Policy EC2¹ indicates that the Council expect a high standard of design in relation to new buildings and extensions with particular regard to scale and design, amongst other things. Development should be appropriate to its setting and not harm the character of its surroundings. RDG2 of the Council's Residential Design Guidance² refers to the space around dwellings in relation to the pattern of development and the prevailing character of the area. The promotion of good design is also a thrust of the National Planning Policy Framework³
6. No 126 has a garage to the side which would be demolished and a new garage/workshop constructed with a bedroom and en-suite bathroom above it. The proposal would extend to the ridge of the existing house and carry across the design of the existing house. This would lessen the space at first floor level between the house and its side boundary with No 124. However, the adjacent property, No 124, is a bungalow, also with a garage to the side. The two properties are very different in appearance in terms of design and scale and the space around them. Together with the long driveways, the combined effect is one of spaciousness in the street scene.
7. Although the proposal would extend the house up to the side boundary, I do not consider that in this setting this loss of space would be sufficient to unduly harm the character and appearance of the area. Due to the differences in Nos 124 and 126, I disagree that the proposal would give a cramped appearance as there would still remain a sense of spaciousness. The two storey side extension would reflect the design of the existing house and I do not consider that it would conflict with Policy EC2, RDG2 of the SPD or the objectives of the Framework.
8. I have considered the conditions suggested by the Council in the light of the Planning Practice Guidance⁴. A condition requiring materials to match the existing house is necessary in order to achieve a satisfactory appearance and one requiring the development to be carried out in accordance with the approved plans is required for the avoidance of doubt and in the interests of proper planning. In addition, the Council suggest a condition requiring the side bedroom window and en-suite bathroom to be obscurely glazed and non-opening, unless the opening parts are 1.7 metres above floor level. The bathroom window would be on the rear elevation of the property and have the same outlook as the existing bathroom and bedroom. It is also highly likely that a bathroom would have obscure glazing and so I see no reason for a condition in this respect. The proposed side window to the bedroom would be a small secondary window with the bedrooms main window facing the front. Given that this would be close to the boundary and overlook only the roof of

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

² Castle Point Residential Design Guidance, Supplementary Planning Document, Adopted 1 January 2013 (SPD).

³ Ministry of Housing, Communities and Local Government National Planning Policy Framework, February 2019 (the Framework).

⁴ Planning Practice Guidance, Published 6 March 2014 – Last Updated 23 July 2019.

the adjacent bungalow, I see no reason to restrict its glazing or opening. I do not therefore intend imposing this condition.

9. I have considered all matters raised but none alter my conclusion. I conclude that the proposal would not have a harmful effect on the character or appearance of the area, it would not conflict with Policy EC2, the SPD or the Framework and therefore the appeal succeeds.

J D Clark

INSPECTOR