

Appeal Decisions

Site visit made on 7 September 2021

by Simon Warder BSc(Hons) MA (DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 September 2021.

Appeal A Ref: APP/M1520/W/20/3255676

15 Rosemead, South Benfleet SS7 4JQ

- 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 BBG Property Ltd against the decision of Castle Point Borough Council.
 - The application Ref 19/0935/FUL, dated 20 December 2019, was refused by notice dated 28 February 2020.
 - The development proposed is the demolitions of double garage block and construction of 3No detached bungalows.
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Appeal B Ref: APP/M1520/W/20/3259844

15 Rosemead, South Benfleet SS7 4JQ

- 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 BBG Property Ltd against the decision of Castle Point Borough Council.
 - The application Ref 20/0394/FUL, dated 9 July 2020, was refused by notice dated 8 September 2020.
 - The development proposed is the demolition of double garage block and construction of 2No detached bungalows and removal of single-storey front projection to 15 Rosemead.
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Main Issues

2. The main issues are the effects of the proposals on:
 - the character and appearance of the area (both appeals);
 - the living conditions of the occupiers of 11 and 15 Rosemead with particular regard to noise and disturbance (both appeals);
 - the living conditions of the occupiers of the dwellings served by the existing access with particular regard to congestion and convenience (both appeals);
 - the living conditions of the future occupiers of house type B with particular regard to the size of the bedrooms and storage space (Appeal A only).

Reasons

Character and appearance

3. The appeal site is located within a residential area characterised by well-spaced, mainly detached and semi-detached two storey properties directly
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fronting onto the road behind reasonably sized front gardens. Although there are examples of infill or backland development in the area, they tend to be modest in scale and accessed via short driveways. In most cases the driveways run parallel to the side walls of the adjoining properties. In the case of the Oak Road example (appellant's statement Appendix 3) where the adjoining houses front onto the access, they are set back behind front gardens.

4. The appeal site is located to the rear of 11 and 15 Rosemead. These properties are positioned at right angles to one another and form the corner where the lines of houses at 1 to 11 and 15 to 43 meet. They sit at the end of a private drive serving six properties in all. The appeal proposal would add two or three bungalows behind 11 and 15 and accessed by an extension to the existing private drive.
5. This arrangement would be at odds with the prevailing and locally distinctive pattern of development in terms of its scale and layout. The extension of the existing drive running diagonally through the fairly narrow gap between 11 and 15 would reflect neither the prevailing layout of more formally arranged and well-spaced development or the more modest infill and backland schemes cited by the appellant. The proposed bungalows would appear remote from Rosemead and cramped due to the narrow gap between 11 and 15.
6. The proposals include alterations to the existing private drive and to improve the definition of the parking spaces at 15. The access would have a separate footway for some of its length. In the case of Appeal B, a single storey extension to No 15 would be removed and a 1m space to the southern boundary would be created. I recognise that these works would enhance the appearance of the drive. However, even with the removal of the extension to 15, they would not increase the size of the drive, materially widen the gap between 11 and 15, or strengthen the relationship between the proposed bungalows and Rosemead.
7. The Council has expressed concern that the depth of the proposed plots is less than others in the area. The appellant has drawn my attention to examples of properties with similar plot proportions to those proposed. However, the examples are two storey dwellings with smaller footprints taking up less coverage of the plots than the proposed bungalows. In any event the plot proportions in the examples are not typical of the area. Moreover, in the proposed site layouts for Appeals A and B, the limited space in front of the bungalows would be dominated by hard surfaced parking and access areas with limited opportunity for soft landscaping. This would be at odds with the well-defined and reasonably sized front gardens which are typical of the area and would contribute to the cramped appearance of the proposals.
8. Overall therefore, I find that Appeals A and B would both have a harmful impact on the character and appearance of the area. As such, they would conflict with Policy EC2 of the Council's Local Plan 1998 (LP) which requires proposals to achieve a high standard of design in their scale, siting and layout and in the treatment of the spaces around buildings. Nor would the proposals accord with RDG1 or RDG2 of the Council's Residential Design Guidance Supplementary Planning Document (SPG). This guidance seeks to ensure that new development is informed by the prevailing character of plot sizes and the space around buildings and that it does not disrupt locally distinctive patterns of development. The proposals would also conflict with paragraph 130(c) and

(d) of the National Planning Policy Framework (the Framework) which advise that development should be sympathetic to local character and establish or maintain a strong sense of place.

Living conditions of 11 and 15 Rosemead

9. In both appeals the proposed drive would pass diagonally through the narrow gap between 11 and 15 Rosemead. The appellant advises that the rooms nearest the drive are either kitchens, utility rooms or home offices, although there is nothing to indicate that the occupiers of the properties could not use the rooms for more sensitive uses in the future. Both appeal proposals would result in considerably more vehicular and pedestrian activity in close proximity to the fronts of 11 and 15. Given the distance between the proposed bungalows and Rosemead, the additional vehicular activity would be likely to include service and delivery vans as well as the cars of occupants and visitors.
10. The appellant argues that the two bungalow proposal would generate less activity than the three bungalow proposal. However, the tracking plots on application plan 1309/03 Rev A show that cars using the re-configured parking spaces at No 15 would need to make fairly complicated turning movements close to the front of No 11. Therefore, in terms of vehicular movements, both proposals would be likely to have similar overall effects on that property.
11. The appellant refers to the schemes at Appendices 1 to 3 of its statement. However, as I noted above, the driveways in those schemes run parallel to the less sensitive side walls of the adjoining properties or, in the case of Appendix 3, the adjoining properties are set back behind front gardens. As such, they do not provide a robust justification for the appeal proposals.
12. Therefore, I find that the level and proximity of pedestrian and vehicle movements generated by both appeal proposals would result in unacceptable levels of noise and disturbance for the occupiers of 11 and 15 and be detrimental to their living conditions. Consequently, the proposals would conflict with LP Policy EC3 which presumes against development that would have a significant adverse effect on residential amenity by reason of noise and disturbance. Nor would the proposals accord with SPG RDG12 or Framework paragraph 130(f) insofar as they have similar aims.

Living conditions of neighbouring dwellings

13. The parking spaces for the six properties currently served by the private drive meet it at a variety of angles and there is no defined turning area. Therefore I have sympathy with the concerns expressed locally that these arrangements can lead to vehicle conflict. The addition of vehicle movements from two or three additional dwellings would worsen the situation. The appellant contends that the proposals would improve the definition of the drive and reduce potential conflicts. However, no additional manoeuvring space or a defined turning area would be created. Indeed, the complicated manoeuvres shown on the tracking plots for the re-configured parking spaces for No 15 illustrate the awkwardness of the arrangements.
14. Consequently, I consider that both proposals would lead to increased congestion and conflict on the drive which would be harmful to the living conditions of the occupiers of the properties served by the drive. Therefore, the proposals would conflict with LP Policy EC3 which presumes against

development that would have a significant adverse effect on residential amenity by reason of disturbance among other things. Nor would the proposals accord with SPG RDG12 or Framework paragraph 130(f) insofar as they have similar aims.

Living conditions of future occupiers of house type B

15. The Council considers that house type B would not provide a double bedroom with adequate floorspace and would have no storage space. It refers to the Government's Technical housing standards (2015), although there is nothing to indicate that the Council has adopted these standards. The overall floor area of the house comfortably exceeds the minimum size for a three person two bedroom single storey dwelling and the appellant suggests that a condition could be used to make the smallest double bedroom into a single bedroom with storage. The floor plan for house type B would facilitate this change without the need for other alterations.
16. As such, had I been minded to allow the appeal, the third reason for refusal of Appeal B could have been overcome by condition. House type B would then provide satisfactory living conditions for future occupiers and would accord with SPG RDG16. This requires new dwellings to provide appropriate internal space and circulation reflecting current best practice, including the Government's Technical housing standards.

Other Matters

17. I have had regard to the other concerns expressed locally, but they have not led me to a different overall conclusion. I also note the Council's report of an earlier appeal (Council's ref CPT/814/86) in which the Inspector found that a proposal for two bungalows at the appeal site would be harmful to the character of the area and the living conditions of neighbouring occupiers. However, my conclusions are based on the current proposals and appeal submissions.

Planning Balance and Conclusion

18. The Council accepts that it cannot demonstrate a five year supply of housing land and that, in accordance with Framework paragraph 11(d), the policies which are most important for determining the appeals are out-of-date. There is nothing to indicate that the proposals would affect protected areas or assets of particular importance and, therefore, the appeals should be determined in accordance with Framework paragraph 11(d)(ii) which requires planning permission to be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework as a whole.
19. The proposals would provide two or three new housing units and the Framework seeks to significantly boost the supply of homes (paragraph 60) and recognises that small sites can make an important contribution to meeting the needs of an area (paragraph 69). Nevertheless, even the proposal for three bungalows (Appeal A) would have a very modest effect on the housing needs of the area as a whole. This means that limited weight can be attached to the housing benefits of the proposals.
20. On the other hand, both proposals would have harmful effects on the character and appearance of the area and the living conditions of neighbouring occupiers

by reason of noise and disturbance. Therefore, they would not comply with relevant policies of the Framework or the development plan. As such, I find that the adverse impacts of both proposals would significantly and demonstrably outweigh their benefits when assessed against the Framework as a whole.

21. Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires applications for planning permission to be determined in accordance with the development plan unless material considerations indicate otherwise. My finding in respect of the conflict with the Framework is a material consideration weighing against the proposals. No other material considerations in favour of the proposals indicate that the appeals should be determined other than in accordance with the development plan. While the relevant development plan policies are out of date, they are broadly consistent with the Framework and can therefore be accorded moderate weight. I have not been made aware of any development plan policies which support the proposals and, consequently, they conflict with the development plan as a whole.
22. For the reasons set out above, Appeal A and Appeal B should be dismissed.

Simon Warder

INSPECTOR