



Appeal Decision

Site visit made on 19 October 2021

by J Woolcock BNatRes MURP DipLaw MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021.

Appeal Ref: APP/M1520/W/21/3269350

30 Linden Road, Thundersley, Benfleet SS7 4BA

- 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 Steve Thornton against the decision of Castle Point Borough Council.
 - The application No:20/0855/FUL, dated 23 November 2020, was refused by notice dated 10 February 2021.
 - The development proposed is demolition of existing storage buildings and erection of four terraced dwelling houses with bin and bicycle storage, parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted in 2017 for a 2-storey block of three houses and six parking spaces on the appeal site.¹ The development was not commenced in the required time and the permission has now lapsed. I have had regard to the previous planning permission but have determined the appeal on its own merits.

Main Issues

3. The main issues in this appeal are; (a) whether car parking could be utilised conveniently and its impact on visual and residential amenity, and (b) the effects of the proposed development on the character and appearance of the area.

Reasons

4. The 0.1 ha appeal site comprises an irregular shaped plot in a back land location to the rear of dwellings and commercial properties facing onto Linden Road and Waverley Road, with a narrower section that provides access to Linden Road. It is a commercial yard that includes open storage. To the south of the site is a builder's merchants with associated buildings and outdoor storage. The development to the north, east and west of the appeal site consists largely of single and two-storey residential development on a range of plot sizes. There is a four-storey block of flats to the south-west of the site, with more flat development along London Road.
5. The appeal scheme proposes a terrace of four two-storey, three-bedroom properties, with an overall width of approximately 20.8 m, depth of about

¹ Application No:17/0659/FUL.

10.7 m and height of some 7.5 m. The rear gardens would be about 15 m long and just over 5 m wide. The space in front of the proposed dwellings, which is about 12.2 m wide would provide for a bin and cycle store, 8 car parking spaces, along with pedestrian accesses to the proposed dwellings and landscaping. The access link between the current storage yard and Linden Road is about 4 m wide. This link would provide access to the 8 parking spaces.

6. In this location, where there is public transport nearby, I do not consider that visitor parking would be necessary, so the provision of 8 car parking spaces would accord with the number required by the County Parking Standards 2009. However, the end bays P1 and P8 would not comply with the requirement for an additional 1 m width to allow improved manoeuvrability and the entry/exit of people to/from the vehicle. Access to bays P7 and P8, which are perpendicular to the other spaces, would require vehicles to either reverse in or out close to where pedestrians would need to enter or exit two of the houses. Notwithstanding that occupiers of these houses would be familiar with this arrangement, the layout would provide scope for conflicts between pedestrians, particularly children, and vehicles.
7. The proposed arrangement for parking would require vehicles to manoeuvre in a confined space. Bays P2-P6 would be sited close to habitable rooms in the proposed terraced houses. Manoeuvring vehicles in such proximity would be likely to result in intrusive noise and disturbance at times for other residents of the terrace.
8. On the first main issue, I consider that the proposed parking arrangement would not be convenient to use and so could deter vehicles from using on-site spaces resulting in additional demand for the limited off-street parking in the vicinity that I saw on my site visit. Furthermore, parking provision would have an adverse impact on residential amenity.
9. The plots would be narrow but would provide useful private amenity space for occupiers. In this location, plot size alone would not render the scheme unacceptable. The siting and size of the terrace would constrain the space in front of the building for parking, the bin and cycle store and landscaping. The provision of 8 car parking spaces within this area would result in vehicles dominating what is, by virtue of its size and configuration, a constrained site.
10. This dominance of parking within the scheme, which would be apparent in views from Linden Road via the access link, would have an adverse impact on visual amenity. Areas within the appeal site for amenity and landscaping would be insufficient to ameliorate the dominance of parked cars. The terrace itself would not be prominent in the street scene because of its back land location. Nevertheless, because of the dominance of parking, the scheme would be appreciated in its context as a cramped form of development that was out of keeping with the character of the area. On the second main issue, I find for the reasons given above, that the proposal would harm the character and appearance of the area.

Other Matters

11. I have taken into account all the other matters raised in the evidence, including local concerns about the likely effects on the living conditions of neighbours. Having regard to the standards of residential amenity that apply in the locality,

and subject to appropriate planning conditions, I am satisfied that the relationship with neighbouring properties would not result in an unacceptable loss of privacy or light, nor would it be likely to result in significant noise or disturbance for neighbours.

12. However, I share local concerns about the siting of the bin store close to the private amenity space of an adjoining dwelling. I am not convinced that this could be resolved by the imposition of a planning condition to exclude the bin storage structure from any permission, as suggested by the Council. It seems to me that this would result in a significantly different scheme, about which interested parties might wish to comment. The location of the bin store is a consideration that adds to my reservations about the proposed layout of the space to the front of the terraced houses.
13. None of the other matters raised, are sufficient to outweigh my conclusions on the main issues, which have led to my decision on this appeal.

Conclusion

14. The proposed development would fall short of the high standard of design in relation to new buildings that is expected by Policy EC2 of the Castle Point Borough Local Plan concerning layout, treatment of spaces around buildings, and the need to ensure that all modes of movement are made safe and convenient.² The proposal would conflict with the development plan as a whole. It would also be at odds with the guidance in the Council's adopted Residential Design Guide 2013 RDG12, which states that all parking provision should be sited so as not to have an adverse impact on visual and residential amenity, and enable the spaces to be utilised conveniently.
15. Four additional dwellings would gain support from local and national policy to increase the supply of housing, especially where the Council cannot demonstrate a 5-year supply of deliverable housing sites. However, the harm I have identified would bring the proposal into conflict with paragraph 112(c) of the *National Planning Policy Framework*, because it would not create a place that is safe, attractive and minimise the scope for conflicts between pedestrians and vehicles. By reason of the car-dominated layout the development would not be well designed, and in accordance with paragraph 134 of the *Framework*, should be refused. I find that the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the *Framework* taken as a whole. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

J Woolcock

INSPECTOR

² The plan was adopted in 1998 but Policy EC2 is consistent with policies about design in the *National Planning Policy Framework* and accords with guidance in the *National Design Guide*.