



Appeal Decision

Site visit made on 11 November 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 December 2021

Appeal Ref: APP/M1520/D/21/3280738

40 Kimberley Road, South Benfleet SS7 5NQ

- 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 & Mrs Reece & Rebecca Edwards against the decision of Castle Point Borough Council.
 - The application Ref 21/0474/FUL, dated 6 May 2021, was refused by notice dated 30 June 2021.
 - The development is a proposed single storey rear extension with a lean roof over and no. 3 velux windows. Creation of first floor over and proposed hipped roof over garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension with a lean roof over and no. 3 velux windows. Creation of first floor over and proposed hipped roof over garage at 40 Kimberley Road, South Benfleet SS7 5NQ in accordance with the terms of the application, Ref: 21/0474/FUL, dated 6 May 2021, 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 development hereby permitted shall be carried out in accordance with the following approved plans: 1531 02E, 1531 06E, 1531 07E, 1531 08E.
 - 3)The external finishes of the development hereby permitted shall match in material and colour those of the existing dwelling.
 - 4)The windows in the side elevations of the development hereby permitted shall be fitted with obscured glazing (to at least Level 3 on the Pilkington Levels of Privacy, or such equivalent as may be agreed in writing with the local planning authority), and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupants of 42 Kimberley Road with regard to overbearing impact.

Reasons

3. The appeal property relates to a detached chalet bungalow with side dormer, rear conservatory and front projecting garage. It is located in a predominantly residential area on the outskirts of Benfleet.

4. The appeal dwelling already extends further towards the rear than the neighbouring residence at 42 Kimberley Road. Pedestrian accesses to the back gardens run either side of the common boundary, so there is some sense of separation between the houses. Although the proposal would result in an increase in the eaves height of the side wall of the property, I note that at first floor level there would be no additional built form projection towards the rear.
5. At my site visit I saw that the back gardens of houses in the row are south-facing and have a general feeling of spaciousness. With this in mind, and having regard to the existing relationship between the houses that I have outlined above, the appeal scheme would not have an excessively overbearing impact upon the living conditions of the occupants of 42 Kimberley Road. I am of the view that the development would not be so unneighbourly in this respect as to warrant a refusal of permission.
6. I therefore conclude that the proposal would not cause harm to the living conditions of the occupants of 42 Kimberley Road with regard to overbearing impact. It would accord with policy H17 of the Castle Point Borough Council Local Plan (November 1998) and policy RDG3 of the Castle Point Borough Council Residential Design Guidance Supplementary Planning Document (January 2013), which seek to prevent development which would result in excessive dominance to any elevation of an adjoining property. It would also be consistent with the advice in the National Planning Policy Framework which seeks to ensure safe and healthy living conditions.

Conditions

7. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the National Planning Policy Framework. I have altered the wording of some of the conditions suggested by the Council in the interests of clarity and necessity. In addition to the standard implementation condition, a condition requiring the development to be carried out in accordance with the submitted drawings is reasonable and necessary for the avoidance of doubt and in the interests of proper planning.
8. A condition would be necessary, in the interests of visual amenity, to ensure external materials match those used on the existing building. Obscure glazing to the windows in the side walls would protect the living conditions of the occupants of the adjacent dwellings.

Conclusion

9. For the reasons given above I conclude that the appeal should be allowed.

C Hall

INSPECTOR