



Appeal Decision

Site visit made on 10 January 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2022

Appeal Ref: APP/M1520/W/21/3274536

26 Wilrich Avenue, Canvey Island, SS8 7RR

- 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 WFF Building against the decision of Castle Point Borough Council.
 - The application Ref 20/0481/FUL, dated 24 July 2020, was refused by notice dated 20 November 2020.
 - The development proposed is proposed 2 bed house, demolition of existing conservatory, rear extension to No.26 and new crossover.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. Both main parties have had the opportunity to comment on any relevant implications for the appeal. I have had regard to the Framework in reaching my decision.
3. The appellant has put forward an additional SuDS Drainage Report (April 2021) and Drainage Plan. This information has been produced to inform the appeal process, however there is no evidence that it has been subject to appropriate consultation through the planning application process. If I determine the appeal on the basis of this additional drainage information provided it is possible that the interests of parties who might wish to comment would be prejudiced. For this reason, I have not had regard to this additional information.

Main Issues

4. The main issues raised in respect of the appeal are: -
 - a. The effect of the proposed development on the character and appearance of the area; and
 - b. The effect on surface water drainage.

Reasons

Character and appearance

5. To the east side of Wilrich Road the terraced properties have a uniformity to their layout and appearance, although the plots sizes and appearance of properties at the opposite side of Wilrich Road and in the wider area vary. The appeal site is an irregular shape with part of its side boundary tapering increasing the width of the plot towards the rear of the site. However, toward the front of the site the plot width would be narrower than those existing properties within the terraces.
6. The proposed dwelling would be positioned deeper into the site than that of the terrace properties. Given the constrained width of the site frontage the dwelling would have a much narrower frontage than that of the adjoining terrace. However, the property would increase in width at the rear to reflect the width of the plot as it fans out.
7. Stepping the proposed dwelling back from the front building line of the existing terrace and having a narrow frontage appearance would create an uncharacteristic development unrelated to the layout of the existing terrace and widths of properties within it. Furthermore, given the limited width of the site the dwelling would appear as a constrained development having the appearance of being squeezed into its plot. This would not create a development sympathetic to the character and appearance of the existing terrace and would appear out of keeping within the context of these properties. Although there is variety to the character and appearance of properties in the wider area, the proposed development would be an uncharacteristic development in the context of its immediate environment. For these reasons the proposed dwelling would be visually harmful.
8. Being set back from the existing terrace of properties along Wilrich Road, the visual harm arising from the proposed development would not be visually apparent in public views along Wilrich Road unless standing immediately in front of the site. Nonetheless, I saw that the proposal would be clearly visible to nearby and adjoining neighbouring occupiers and in views from the access to a parking court at the rear of the appeal site. The visual harm arising from the proposed development would therefore be visible to neighbouring occupiers close by in their outlook, as well as to the public.
9. The proposal would facilitate a side access from front to rear providing a separation between the dwelling and the site's side boundary. However, this does not overcome my above concerns relating to the cramped appearance of the dwelling within the site. The bungalows and terraces along this side of Wilrich Road are staggered, however this relates to blocks of built development and would not overcome the harm that I have identified or justify the proposed development.
10. For these reasons, I conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposal would, therefore, conflict with Policy EC2 of the Castle Point Borough Council Local Plan 1998, Policies RDG1 and RDG3 of the Supplementary Planning

Document (SPD) Residential Design Guidance 2012 and the provisions of the Framework. Policy EC2 requires, amongst other matters, the scale, density, design, layout and external materials of any development to be appropriate to its setting and should not harm the character of its surroundings. The SPD reinforces Local Plan policy aims by requiring plot sizes for all new development to be informed by the prevailing character of plot sizes and building lines. The Framework's objective is to achieve well-designed places.

Surface water drainage

11. The Framework indicates that development should not increase flood risk elsewhere and should manage flood risk from all sources. The proposal has the potential to increase surface water runoff which may add to the burden of surface water drainable infrastructure during rainfall events. Given the impermeable soil conditions of Canvey Island the option of draining to a soakaway is unlikely to be a realistic prospect.
12. A drawing that supports the application illustrates a filtration mattress drainage type system. There is concern that the mattress would not be wrapped in a waterproof material and, as such, ground water could percolate into the mattress. This could compromise the system's ability to accommodate surface water from the development during a rain event. In association with this mattress type drainage system there is uncertainty as to whether the capacity of pipes would be sufficient to accommodate the surface water generated by the proposed development. I am not satisfied that this would provide an effective way of managing surface water.
13. For the above reasons, I conclude that the proposed development has not demonstrated that acceptable surface water drainage would be achieved. As such, the proposal could increase the risk of surface water flooding to this and adjacent sites. Therefore, this brings the proposal into conflict with the objectives of the Framework. I do not consider that it would be appropriate to rely on the imposition of a planning condition to deal with this matter as there is no clear indication that a planning condition could ameliorate the objections sufficiently to allow permission to be granted.

Other Matters

14. The Council cannot demonstrate a five-year supply of housing sites. If there is not a five-year supply of deliverable sites in place, the provisions of paragraph 11d) of the Framework should be applied.
15. The adverse impacts arising from the proposal relate to the harmful effect to the character and appearance of the area and the proposal's failure to demonstrate that acceptable surface water drainage could be put in place that would prevent flooding. Balanced against this is the Government's objective to significantly boost the supply of homes recognising that small windfall sites such as this site can help meet supply. However, even if the Council's lack of supply of housing sites is acute, one dwelling would make little difference to the overall supply of housing and the support one extra household would provide to the social and local economy would also be minimal.
16. Consequently, the adverse impacts of the proposal on the character and appearance of the area and drainage would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework

when taken as a whole. As a result, the presumption in favour of sustainable development does not apply.

Conclusion

17. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provision of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

Nicola Davies

INSPECTOR