

Appeal Decision

Site visit made on 16 March 2022

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1ST April 2022

Appeal Ref: APP/M1520/D/22/3290078
17 Meyel Avenue, Canvey Island, SS8 8BU

- 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 David Williams against the decision of Castle Point Borough Council.
 - The application Ref 21/0950/FUL, dated 5 October 2021, was refused by notice dated 25 November 2021.
 - The development proposed is the erection of a single-storey side and rear wrap around extension with flat roof over and part first-floor side and rear extension with pitched roof over.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey side and rear wrap around extension with flat roof over and part first-floor side and rear extension with pitched roof over at 17 Meyel Avenue, Canvey Island, SS8 8BU in accordance with the terms of the application, Ref 21/0950/FUL, dated 5 October 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drg Nos 01 Rev D, 02 Rev D, 03 Rev D, 04 Rev D, 05 Rev D, 06 Rev D, 07 Rev D, 08 Rev D, and 09 Rev D.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to occupation of the extension hereby permitted, the first-floor window in the side elevation facing 15 Meyel Avenue shall be obscure-glazed to at least level 3 on the Pilkington Scale (or such equivalent as may be agreed in writing with the local planning authority); and non-opening, unless the parts of the window which can be opened are more than 1.7m above the floor of the room in which the window is installed, and retained as such thereafter.

Main Issue

2. Having regard to the stated reason for refusal on the decision notice, the main issue is the effect of the proposal on the residential character and appearance of the host property and wider street scene with particular regard to car parking.

Reasons

3. Meyel Avenue is a residential cul-de-sac with no footpaths but instead grass verges to each side in places between the highway's edge and the properties' open-plan frontages. In many instances the verge merges with front lawns or else has been replaced with hardstand, or alternative treatments, making it difficult often to discern between the public and private realm. No 17 is one such example with part of the space between the front of the appeal site and the road finished with a concrete surface.
4. The proposal is for extensions to the side and rear of the property. The Council has raised no concerns with regard to the design or appearance of the extension within the street scene, or with its effect upon the living conditions of any adjoining occupiers. I have no reason to disagree. The two-storey side extension would be appropriately subservient to the main dwelling and adequately separated from the plot's side boundary to avoid any potential terracing effect or harm to the street scene. The two-storey part of the rear extension would be set away from the side boundary with the attached neighbour at No 17A and reasonably shallow in depth. Window positions would conventionally face to the rear with the exception of a first-floor en-suite bathroom window, which could reasonably be obscurely glazed and required to be so by condition. This would be necessary to avoid any direct overlooking of the garden to No 15. I am satisfied that no part of the extension would harm the living conditions of either adjoining occupiers in terms of visual impact, daylight or overlooking, and that due to the orientation of the properties, there would be no loss of sunlight.
5. There is a detached garage to the rear of the appeal property. At the time of my visit there was a solid fence and pedestrian width gate extending perpendicular from the side wall of the house and up to the flank wall of an attached garage to the side of No 15. There was no vehicular access to the garage at No 17. In addition, there were two cars parked on the appeal site. One sat comfortably in front of the fence, perpendicular to the road and on the stub of the original side drive. The second was across the front of the property and parallel to the road. Nothing about the arrangement appeared cramped or out of keeping in the area, where I saw a variety of hardstands and parking arrangements to the front of many properties, including some where the entire frontage was hardstand and used for parking. Pedestrian access to the front door at No 17 was not impeded.
6. The Council is concerned that the parking arrangement would involve complicated vehicle manoeuvres. I saw nothing to support this view. Whilst the access to and from the space in front of the house would be reliant on the second car being absent, this would be directly comparable to two tandem spaces, which is not uncommon. Although there is a telegraph pole positioned on the boundary between Nos 15 and 17, there is no evidence to suggest that

this interferes with vehicles accessing or egressing the site. Neither did I see any potential for harm to any of the verges along Meyel Avenue.

Other Matters

7. I have noted some other concerns raised by an adjoining occupier. The Council has identified that the amenity space that would be retained for No 17 would fall marginally below the 75sqm that would normally be required by RDG6 of their *Residential Design Guidance Supplementary Planning Document January 2013* (SPD). However, they did not identify any harm as a result or conflict with the development plan. I have no reason to disagree with their findings on this matter. Maintenance of a gap between an extension and a property's boundary is not directly relevant to the planning merits of the case. There is no substantive evidence to demonstrate that there would be any harmful changes to rainwater drainage to the front of No 17 that would lead to flood risk and neither am I persuaded that a car parked to the front of No 17 would have any significant impact upon daylight to No 17A.
8. There are suggestions that there would be conflict with sections RDG2 and RDG3 of the SPD but I am unable to identify any harm from the proposal with regard to space around the dwelling or building lines within the street scene. Policy EC2 of the Local Plan 1998 (LP) deals with design and I am unable to identify harm from the proposal in this regard. Furthermore, the Council did not identify conflict with these particular parts of their SPD or with any LP policies.

Conditions

9. In addition to the standard time limit condition a condition specifying the relevant plans is necessary as this provides certainty. In the interests of maintaining the character and appearance of the area a condition is required to ensure that the materials used externally match those on the existing building.

Conclusion

10. For the reasons given, I am satisfied that the proposal would not harm the residential character or appearance of the host property or wider street scene. As such, I find no conflict with RDG12 of the SPD as it relates to parking and access. Neither do I find conflict with the National Planning Policy Framework's objectives for achieving well-designed places. The Council has not identified conflict with any policies of the development plan in their reason for refusal. Based upon my findings neither do I have reason to do so. Accordingly, and having regard to all other matters raised, the appeal is allowed.

John D Allan

INSPECTOR