



Appeal Decision

Site visit made on 4 January 2022 by Thomas Courtney BA(Hons) MA

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 May 2022

Appeal Ref: APP/M1520/D/21/3280721

35 Sussex Way, Canvey Island, SS8 9XE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Stern against the decision of Castle Point Borough Council.
 - The application Ref 21/0283/HASPA, dated 25 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is the construction of additional storey with a maximum height of 8.2 metres.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. In the interest of accuracy, the description of development used in the header above is based on that used on the Council's decision notice. I note also that the Appellant has used this description in their appeal form.

Background and Main Issue

4. As a prior approval there are two stages to the assessment, the first being eligibility. The Council conclude that the proposal is eligible to be considered under the prior approval process and have not raised any conflict with the requirements of AA.1 (a)-(k) as set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). I have no evidence before me to conclude differently so, in that regard, the focus of this appeal will be the second stage of assessment – the prior approval merits assessment.
5. The GPDO sets out clearly the matters against which a proposal can be assessed. In this case the only issue raised by the Council is in relation to appearance, which is covered by AA.2 (3)(a)(ii). This section assesses the external appearance of the dwellinghouse, including the design and architectural features of (aa) *the principal elevation of the dwellinghouse*, and (bb) *any side elevation of the dwellinghouse that fronts a highway*. As a side

elevation would partially front a highway in this instance, my consideration is against both parts (aa) and (bb).

6. Therefore, the main issue is the effect of the proposal on the external appearance of the dwellinghouse.

Reasons for the Recommendation

7. The host dwelling is a semi-detached bungalow located on a cul-de-sac. The height of the principal elevation of No. 35 would increase materially and contain 2 new windows. Whilst finishing materials and the pitch of the roof would be broadly similar to the current dwelling, the proposed extension would significantly unbalance the proportions of the semi-detached pair of buildings of which it forms part. By way of its additional height, the resultant front elevation would appear to dominate the adjoining property. This would serve to give the principal elevation an incoherent and awkward appearance, which would adversely impact on the character of the host dwelling.
8. Turning to the side elevation of the host dwelling which fronts Sussex Way and the pedestrian footpath, the design would not be harmful in the context of the simple appearance of the resultant flank elevation, which would remain sympathetic to the appearance of the existing elevation on this side. Nevertheless, I find that despite this, overall, harm would still occur to the external appearance of the front elevation of the dwellinghouse as a result of the proposed extension which would constitute a disproportionate addition.
9. Whilst I note that there are many two-storey properties in the vicinity of the site, the appeal dwelling clearly forms part of a small enclave of bungalows within the wider housing estate just to the south of the B1014. The coherent appearance of the group of bungalows would be interrupted by the height of the resultant dwelling, which would jar with the consistent low height of the surrounding properties within the estate and would appear incongruous in this context. I find therefore that it would erode the character of the immediate area in which it lies.
10. The development would not be acceptable in terms of the external appearance of the proposal and would not comply with the grounds of assessment listed within AA.2 (3)(a)(ii) of the GDPO. It would also conflict with the guidance set out in Paragraph 130 of the National Planning Policy Framework (NPPF) which aims to ensure proposals are well-designed.

Other Matters

11. I have had regard to a successful appeal on a prior approval application for an additional storey at No. 1 The Cedars, Buckhurst Hill (APP/J1535/D/21/3266264). Whilst the Council's refusal in that instance was also based on the visual prominence and impact on the character of the proposals, No. 1 The Cedars varies considerably in appearance and form from the appeal property as it is a three-storey flat-roofed dwelling and forms part of a small block of three terraced properties. It is located in a comparatively less built-up area as compared to the appeal site with open green areas and woodland to the south and west of No. 1 The Cedars. The architectural profile of No. 1 and its surrounding context differs widely from that of the appeal property. Furthermore, and in addition to these differences, I have in any case found the proposal would harm the external appearance of the host dwelling.

For this reason, the two schemes are not comparable and the reference to this case does not outweigh the harm identified.

12. I note the concerns raised by neighbouring occupiers regarding harm to their living conditions as a result of the proposed extension. However, as the appeal did not turn on this issue and I am dismissing it, I find it is not necessary to consider this matter further. Nevertheless, even if the proposal did not harm living conditions, this is not a benefit of the development and would not therefore outweigh the harm identified above.

Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Martin Seaton

INSPECTOR