



Appeal Decision

Site visit made on 23 November 2022

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 November 2022

Appeal Ref: APP/M1520/W/22/3290438

Land adjoining 69 Stadium Way, Benfleet, SS7 3TS

- 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 G, B and M Halibard against the decision of Castle Point Borough Council.
 - The application Ref 21/0973/FUL, dated 8 October 2021, was refused by notice dated 13 December 2021.
 - The development proposed is provision of a new 445m² warehouse.
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Decision

1. The appeal is allowed and planning permission is granted for provision of a new 445m² warehouse at land adjoining 69 Stadium Way, Benfleet, SS7 3TS in accordance with the terms of the application, Ref 21/0973/FUL, dated 8 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 drawings entitled location plan and block plan and drawing no KPCL2103038/02 rev B.
 - 3) The external materials of the development hereby permitted shall match those of the adjoining unit at 69 Stadium Way.

Main Issue

2. This is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises a hard surfaced area to the north of the unit at 69 Stadium Way. At the time of my visit pallets and containers were stored on it behind a metal palisade fence. The site is in the midst of a well-established industrial area. The buildings within it are functional and have little general coherence in terms of siting or appearance.
4. The proposed building would be finished in profiled cladding and brickwork to reflect the existing unit. The flank wall would be between 0.174m and 2.67m from the return boundary in order to maximise the usable internal space. A previous permission for the construction of a warehouse maintained a minimum distance of 1.4m from the back edge of footway.

5. Policy EC2 of the Castle Point Local Plan of 1998 seeks a high standard of design. In particular that the scale, density, siting, design, layout and external materials of any development should be appropriate to its setting. Whilst of some age, this policy tallies with the National Planning Policy Framework which seeks to achieve well-designed places. Amongst other things, paragraph 130 indicates that developments should be sympathetic to local character.
6. The proposal would reflect the design and form of the building it would be attached to but would be very close to Claydons Lane. However, the building opposite is also near the road and the development permitted at No 71 would have a gap of about 1m to the boundary fence at its 'pinch point'. At its closest the proposal would leave less separation to the side than either of these buildings but the margin at the eastern end would be wider.
7. In any event, this is not an environment where the spaces alongside the road contribute positively. They are generally given over to parking or hard standings with limited landscaping. In the immediate vicinity roadside parking is a dominant feature. The overall character of the locality is therefore of a busy working area where there are already some buildings positioned at the edges of their respective sites. In this context, the proposed development would not be intrusive but would be compatible with its surroundings.
8. Therefore the proposal would not harm the character and appearance of the surrounding area and would accord with Policy EC2.

Other Matters

9. The additional unit of storage space would either be let separately or amalgamated with No 69. Either way, paragraph 81 of the Framework establishes that significant weight should be placed on the need to support economic growth and productivity.

Conditions

10. The Council has not suggested any conditions. The plans should be specified in the interests of certainty. To ensure a complementary appearance the external materials should match those of the attached unit.

Conclusion

11. The proposed development would accord with the development plan and there are no other material considerations that outweigh this finding. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR