
Appeal Decision

Site visit made on 23 November 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2022

Appeal Ref: APP/M1520/D/22/3296883

71 Hazlemere Road, Thundersley, BENFLEET, SS7 4AF

- 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 Danny Royal against the decision of Castle Point Borough Council.
 - The application Ref. 21/1152/FUL, dated 18 December 2021, was refused by notice dated 14 February 2022.
 - The development proposed is single storey rear & side extension with replacement of roof tiles to existing roof.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the planning application was determined the Council has withdrawn its emerging Local Plan, and as such I have not taken into account Policy DS1 of that document referred to in the reasons for refusal.
3. In the grounds of appeal, the appellant has suggested the removal of the office, utility and pantry from the rear extension layout in order to address the second reason for refusal. However, such an amendment is too significant to be considered within the scope of a householder appeal, or to be addressed by a planning condition. Given that it seeks to remove a reason for refusal, it is a matter which the Council should have had the opportunity to assess. I have therefore determined this appeal on the basis of the plans as submitted.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the appeal property and the area; and (2) the living conditions of occupants of the dwelling, with particular reference to outlook and access to natural light and ventilation.

Reasons

Character and Appearance

5. The appeal property is a semi-detached single-storey dwelling in a mixed residential area. Within the streetscene, gaps between buildings vary, with some properties having sufficient space to reach rear garages, but most having

at least a pedestrian width gap to one side boundary. These gaps contribute to the suburban character and appearance of the area.

6. Within this context, there are dwellings which have been extended up to side boundaries. However, with few exceptions, these extensions are set back some distance behind the main front elevation of the dwelling, thereby maintaining a sense of space on the site and in the streetscene. RDG2 of the Castle Point Residential Design Guidance Supplementary Planning Document 2013 (RDG) advises that the space around all new development should be informed by the prevailing character of space around dwellings, but that at least 1m between properties and the boundary should be sought.
7. Although the proposed side extension would be set back, the inclusion of the proposed canopy and roof extension would add to its prominence on the dwelling and in the streetscene. By occupying much of the depth of the side space next to the main section of the building, the proposal would erode much of the existing gap which contributes to its setting. The resultant dwelling would occupy the full width of the plot, and would appear unduly cramped and out of keeping with the development pattern in the locality. The depth and siting of the extension would make it more noticeable in the street scene, in contrast to the more recessed siting of the extension at No.73, and most other infill extensions in the vicinity.
8. I acknowledge that access to the rear garden would be retained via the proposed garage, but separation from the boundary has a visual role, and is not only functional.
9. The appellant advises that the proposed side extension of the main roof would correct an imbalance on the semi-detached pair of which the property forms part. There is an extension under construction at 69 Hazlemere Road (No.69) but it would appear that the pair would remain asymmetrical, in that No.69 would have a larger front wing, but would also have an undeveloped side gap to its boundary. As such, the proposal would not remedy any perceived imbalance.
10. There is no objection to the proposed rear extension given the relationship to neighbouring properties, but that does not alter my assessment of the side addition.
11. I therefore conclude that, as a result of its depth, design and position, the proposed side extension would detract from the character and appearance of the appeal property and the area, contrary to Policy EC2 of the Castle Point Borough Council Local Plan 1998 (LP), which amongst other criteria requires the scale, siting, design and layout of any development to be appropriate to its setting and to cause no harm to the character of its surroundings; and for regard to be had to the appearance and treatment of spaces around buildings, as supported by the guidance of the RDG. For the same reasons, the proposal would not add to the overall quality of the area, or be sympathetic to local character and the surrounding built environment, as required by paragraph 130 a) and c) of the National Planning Policy Framework (the Framework).

Living Conditions

12. The proposed layout includes an office space without windows, providing no outlook or access to natural light and ventilation. LP Policy EC2 seeks high

standards of design in building extensions, and RDG5 and its supporting text confirm that there is an expectation that all rooms should be served by windows of a size and design to provide for adequate natural light and ventilation. This is consistent with paragraph 130 f) of the Framework, which seeks to ensure that developments create places which promote health and well-being, with a high standard of amenity for existing and future users.

13. A home-office may be regarded as a habitable room and potentially one in which users could spend a considerable amount of time. I therefore conclude that the absence of any outlook, and access to natural light and ventilation source would not provide suitable living conditions for occupiers, contrary to the Framework, LP Policy EC2 and RDG5.

Conclusion

14. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR