
Appeal Decision

Site visit made on 4 January 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25TH January 2023

Appeal Ref: APP/M1520/D/22/3309242

87 Daws Heath Road, Hadleigh, BENFLEET, Essex, SS7 2TA

- 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 Ms Kim Henning against the decision of Castle Point Borough Council.
 - The application Ref. 22/0477/FUL, dated 7 July 2022, was refused by notice dated 15 August 2022.
 - The development proposed is two storey extension with loft space extension scheme.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, it is clear from the plans and accompanying details that the development includes the raising of the roof of the existing dwelling and the construction of a new vehicular access, as described by the appellant on the appeal form and by the Council on the decision notice. The Council dealt with the proposal on this basis and I have done the same.
3. The address of the appeal site, with the inclusion of 'Hadleigh', has been taken from the planning application form.

Main Issues

4. The main issues are the effect of the proposal on (1) the character and appearance of the streetscene and surrounding area; and (2) the living conditions of occupants of 89 Daws Heath Road (No.89), with particular reference to outlook.

Reasons

Character and Appearance

5. The appeal property is of a chalet-style located in a mixed streetscene which includes two-storey properties, some of which have rooms in the roof providing a third level of accommodation. To the west of the appeal property are two houses with dormer windows, and to the east, No.89 is a chalet-style property. The siting of dwellings is not uniform, and at the rear in particular, many

buildings are staggered beyond neighbouring properties. In keeping with this pattern, a single-storey flat-roofed extension to the appeal property projects rearward of a conservatory on No.89. Ground levels fall from west to east, with the appeal property on lower ground than the houses to the west and higher than No.89.

6. Notwithstanding this mixed streetscene, no dwellings in the vicinity appear to have such high eaves as proposed in this appeal. In the submitted documents, there are some differences in the eaves and ridge heights specified by the parties. Nevertheless, having viewed the building relationships on the ground, in my assessment the proposal would appear visually imposing and 'top-heavy' when viewed alongside both the large dwellings to the west and the more modest buildings to the east.
7. The proposed eaves height, shallow pitched gables and extensive third-floor glazing would create the perception of a fully 3-storey dwelling that would be out of scale in its surroundings. As a result of the increased height, mass and significant change in form, the façade would be unduly prominent and incongruous in the streetscene. Rather than seamlessly blend in with the character, form and urban grain prevalent in the immediate locality, as suggested by the appellant, the proposal would be a stark contrast to the current roof profile and eaves height of the dwelling. The extent of the alterations would not respect the host property, nor surrounding dwellings. The suggested use of a pre-commencement condition to control materials would not mitigate the increased mass and scale of the building and its visual impact.
8. Although the existing building is partly built up to the eastern boundary, the extended dwelling would appear cramped on the site as a result of its increased height and scale at that boundary. This would conflict with the guidance set out in RDG2 of the SPD¹, which requires the space around a dwelling to be proportionate to its size, with at least 1m between the property and its boundaries.
9. I note the appellant's view that the dwelling is not located in a conservation area, but the National Planning Policy Framework (the Framework) seeks to secure well-designed places in all contexts, with paragraph 130 noting that developments should add to the overall quality of the area and be sympathetic to local character, including the surrounding built environment.
10. I therefore conclude that the proposal would detract from the character and appearance of the streetscene and surrounding area, contrary to the design requirements of 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 contrary to SPD guidance RDG2 and the Framework.

Living Conditions

11. There is currently a side garage and utility area built up to the shared boundary with No.89, but this is mostly single-storey and flat-roofed. The proposed increase in eaves and ridge height at the boundary would be significant, and the rear addition over the existing extension would be inset from the boundary

¹ Castle Point Residential Design Guidance Supplementary Planning Document, 2013

by a modest amount. Cumulatively, the proposal would create an overly high and deep expanse of wall in close proximity to No.89 that would appear oppressive and overbearing in the outlook for occupants of that dwelling. The impact would be exacerbated by the modest height and chalet-style of No.89, and the relative siting and ground levels of the two buildings.

12. I note the appellant's view that the side windows at No.89 appear to be non-habitable or secondary, but that does not resolve the impact on outlook from rear-facing habitable room openings.
13. I am mindful of the relationship of the appeal property to the closest dwelling to the west. No details of the reasoning behind the grant of planning permission for that dwelling have been provided, but its distance from the appeal property is greater than that between Nos. 87 and 89. The scale of the development to the west and its existing relationship with the appeal property does not therefore justify acceptance of the appeal scheme.
14. I therefore conclude that the significant increase in the height and mass of the building would diminish the outlook for occupants of No.89 to a degree that living conditions would be harmed. This would be contrary to SPD guidance RDG3, which seeks to resist development which would result in excessive dominance to any elevation of any adjoining property, and to paragraph 130 of the Framework, which aims to create places with a high standard of amenity for existing and future users.

Other Matters

15. Having regard to the comments of the local highway authority, I consider there to be no issue with the extension of the existing vehicular access point.

Conclusion

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

H Lock

INSPECTOR