



Appeal Decision

Site visit made on 22 March 2023

by A Jordan BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 April 2023

Appeal Ref: APP/M1520/D/22/3304976

3 Steeple Heights, BENFLEET, Essex, SS7 4RA

- 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 & Mrs Plunkett against the decision of Castle Point Borough Council.
 - The application Ref 22/0465/HASPA, dated 7 June 2022, was refused by notice dated 20 July 2022. The development proposed is raise roof to form additional storey.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. 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 GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of the construction of one additional storey, where the existing dwellinghouse consists of one storey, subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for such development paragraph AA(1) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. Paragraph AA.2(3) to Part 1 requires the local planning authority to assess the impact of the proposed development on the external appearance of the building and the impact of the proposal on the amenity of adjoining occupiers.
4. As part of the consultation process the Council sought the views of adjoining residents. I have taken these views into account in reaching my decision.

Main Issues

5. I consider that the main issues in this appeal are whether the proposed development would be granted planning permission by Article 3, Schedule 2, Part 1, Class AA of the GPDO subject to the effects of the proposal on the external appearance of the building and the impact of the proposed development on the amenity of adjoining premises.

Reasons

Appearance

6. Properties in the immediate vicinity of the site are predominantly single storey, but I noted on site that within a short distance, along Albert and Ivy Road and along Bartley Road there were a number of 2 storey dwellings. As such the area had a mixed residential character and the introduction of an additional storey at the appeal site would not appear incongruous or cause harm to the character of the area.
7. The Council have raised concerns regarding the use of render in the proposal. I noted that render was in evidence on some properties in the wider area but that the appeal property was constructed predominantly in brick. Due to the very large extent of rendering proposed on the front façade the dwelling would appear out of place and so the materials would not provide a satisfactory appearance for the front elevation. Nevertheless, noting the appellant's willingness to finish the front elevation in matching brick, this matter could be dealt with by planning condition.
8. Accordingly, the proposal would not harm the appearance of the area. I therefore find no conflict with Policy EC2 of Castle Point's adopted Local Plan and government guidance contained within the National Planning Policy Framework (the Framework) which seeks new development with achieves a high standard of design.

Residential Amenity

9. Steeple Heights is a no-through road which lies on the edge of a quiet suburban residential estate. The dwellings face onto a relatively wide pedestrian walkway which is in parts landscaped with mature planting. The dwellings sit at varying distances from the walkway with dwellings opposite the appeal site lying around 15 metres from the front façade of No 3. To the rear the garden lies alongside the gardens of adjoining residential properties at Steeple Heights and Albert Road.
10. The proposal would increase the height of the building by around 2.6 metres. No additional windows are proposed on any side elevation, although upper floor windows would be introduced on the front and rear elevation. Given the high degree of intervisibility between front elevations and the relative separation across the public walkway, I am satisfied that the introduction of additional windows on the front façade would not lead to a loss of residential amenity for occupiers opposite.
11. I observed on site that the garden to No 45 Albert Road ran along the rear of the garden to the appeal property at a distance of around 12 metres. The rear boundary of the garden to No 47 Albert Road runs along the side boundary of the appeal property at a much closer distance and projects to within a short distance of the rear of the appeal property. At present, as the immediately adjoining properties are single storey, the gardens enjoy a high degree of privacy.
12. The submitted floor plans indicate that the upper floor would provide a bathroom and 2 rear bedrooms. The distance to No 47 and intervening boundary planting would be likely to mitigate the impact of overlooking. However, due to the proximity and relative position of the garden to No 45, a

clear view would be available of a sizeable portion of this outdoor space. I note that the Council have not raised concerns in this regard and state that their guidance does not refer to oblique views. However, having regard to the size of the adjoining rear garden, the extent to which it projects into sightlines from the rear elevation and the proportion of it which would be overlooked, I am of the view that the proximity of a bedroom window adjacent to No 45 would be likely to be perceived as intrusive for residents and that this would diminish the quality of living conditions enjoyed at the property.

13. I have considered whether the use of obscured glazing would mitigate any identified harm. However, the room which the window would serve is a bedroom, and the use of obscured glazing within it would not provide acceptable living conditions within the host property. Other measures, such as the reconfiguration of the internal layout, or the provision of high-level windows which would address the above concerns would significantly alter the nature of the proposal and so could not, to my mind, be secured by a condition within the scope of this appeal.
14. Accordingly, on the second matter I must conclude that the proposal would lead to harm to the living conditions of adjoining occupiers and so would fail to comply with guidance in the Framework which seeks to ensure a high standard of amenity for existing and future residents.

Other Matters

15. I note the comments of residents, who have raised concerns in relation to possible construction noise. Any such impacts would be temporary and could be controlled by restrictions on hours of construction. As the property would have adequate off-street parking this matter does not weigh against the proposal. Lastly, I note concerns relating to the loss of a bungalow from the housing stock. The Prior Approval process requires me to consider a set range of matters and so this matter is not one which impacts upon my considerations in this case.

Conclusion

16. The development would not be harmful to the character and appearance of the area but would lead to harm to the amenity of adjoining residents. Accordingly, having regard to all other matters raised, the appeal is dismissed, and Prior Approval is refused.

Anne Jordan

INSPECTOR