



Appeal Decision

Site visit made on 12 December 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 28.12.2023

Appeal Ref: APP/M1520/D/23/3327628

20A Beverley Avenue, Canvey Island, SS8 0DN

- 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 Chris Davis against the decision of Castle Point Borough Council.
 - The application Ref 23/0226/FUL, dated 12 April 2023, was refused by notice dated 19 June 2023.
 - The development proposed is part single, part two storey front/side extension, construction of a new garage, raise ridge height to incorporate loft conversion with front and rear dormers and fenestration alterations
-

Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as 'single and two storey extension, re-roof and loft conversion'. The council changed this to the description used in the heading above, as did the appeal form. I have adopted it as it more clearly identifies the development proposed.

Main Issues

3. The main issues in this case are: i) whether the proposed development would provide a satisfactory level of natural light to the second floor bedrooms for occupiers; and ii) the effect of the proposed front dormers on the character and appearance of the dwelling and that of the wider streetscene.

Reasons

4. The appeal site is a two-storey detached dwelling with a detached outbuilding to the east of the property within the curtilage. The development of the surrounding area is predominantly detached bungalows and two storey dwellings, in a combination of hipped and gable roof profiles which, in the immediate surrounding area, are free of additional dormers.
5. Policy EC2 of the council's adopted Local Plan seeks a high standard of design in all developments. Regard is to be given to the scale, density, siting, design, layout and external materials of any development, which shall be appropriate to its setting, and which should not harm the character of its surroundings. This is consistent with the National Planning Policy Framework (the Framework).

Also of relevance in this case is the council's Residential Design Guidance Supplementary Planning Document (SPD)

The level of natural light to the second floor bedrooms

6. Within the SPD, policy RDG5 deals with privacy and living conditions. Among other matters, it seeks to ensure that windows should be of a size which provides for adequate natural light and ventilation to enter the room they serve. In pursuance of this policy, an assessment was carried out by the officer in accordance with the British Research Establishment methodology. The calculation given in the officer's report showed that the second floor bedrooms would be excessively deep and would not receive adequate levels of natural light to the rear of the rooms.
7. The appellant's response to this issue is that the council has approved other developments that equally fail to meet the recommended standard. I have not been provided with any additional background information about the cases cited, but in any event the fact that there have been other developments allowed that are not of the required standard does not justify continuing to grant permission for unsatisfactory daylight in rooms likely to be occupied for lengthy periods. Further, it appears to me that a satisfactory design might well be achieved, within the constraints of the space available, that would provide adequate levels of natural light. In any event, this is a shortcoming, contrary to RDG5, that stands against the grant of planning permission.

The effect of the proposed front dormers on the character and appearance of the dwelling and that of the wider streetscene

8. The policy at RDG7 of the SPD, which deals with roof development, has the following text which is relevant to this case: "*Dormers should be an ancillary feature on the roofscape and must not dominate the roofscape. They must be provided with substantial roof verges above, below and to the sides. Dormers projecting above the ridge line or beyond a roofline, e.g. hip, will be refused*", and "*Fenestration should be aligned both vertically and horizontally, in roof planes and dwelling elevations, particularly when integrating new development with existing dwellings*".
9. The officer's report accepts that the dormers meet this guidance, but I disagree. The 2 front dormers have their ridges meet the main roof at the same level as its ridge. That does not amount to providing substantial 'verges' (space) above the dormers. Nor, in my view, is there sufficient space below the dormers to the eaves for satisfactory appearance as elements that are incidental and do not dominate the roof. Furthermore, the dormers do not have a satisfactory relationship with the windows at ground and first floor level, which are aligned vertically and horizontally. These shortcomings amount to poor design.
10. In much the same way as the first issue is responded to, it is argued for the appellant that there are similar examples in the vicinity and therefore the appeal proposal should be allowed. I do not accept this as a valid argument. The design of the 2 front dormers is poor and does not reflect the guidance set out in policy RDG7 of the adopted SPD. The further suggestion that Beverley Avenue, or the site itself, is somehow unique is not persuasive.

Conclusions

11. I have found that the second floor bedrooms would be excessively deep and would fail to provide adequate levels of natural light to the rear of the rooms in breach of SPD policy RDG5. In addition, for the reasons set out paragraph 9 above, the design of the front dormers fails to meet a satisfactory standard and does not meet the requirements of policy RDG7. Failure to satisfy both issues means that the appeal must fail. The appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR