



Appeal Decision

Site visit made on 21 May 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2024

Appeal Ref: APP/M1520/D/24/3338278

38 Prittle Close, Thundersley, Benfleet, SS7 3YR

- 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 and Mrs Robinson against the decision of Castle Point Borough Council.
 - The application Ref 23/0742/FUL, dated 30 November 2023, was refused by notice dated 1 February 2024.
 - The development proposed is a single storey rear/side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear/side extension at 38 Prittle Close, Thundersley, Benfleet, SS7 3YR in accordance with the terms of the application, Ref 23/0742/FUL, dated 30 November 2023 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) Prior to first beneficial use of the extension hereby approved, the proposed rooflight as shown on drawing reference 38R 201 A must be installed and thereafter permanently retained.
 - 3) The development shall include a window in the side elevation of the dining area, the details of which shall be submitted to and approved in writing by the Local Planning Authority before the development hereby approved reaches above ground slab level. This approval shall include a time within which the window must be installed. Thereafter the window shall be permanently retained.

Main Issues

2. The main issues in this case are i) the quality of living conditions in respect of outlook, natural light and ventilation; and ii) the effect of the proposal on external amenity space.

Reasons

3. The appeal site is a semi-detached dwelling having a frontage to Prittle Close of some 7m in width, slightly widening to the rear, and has a maximum depth of some 33m. The site frontage is mostly hard surfaced for parking vehicles. The street predominantly consists of semi-detached two storey dwellings. The accommodation in the rear part of the appeal dwelling consists of an open plan

kitchen and dining area. Behind the dining area part is a conservatory which is on the side of the house that is not attached to the neighbour, where there is a side access way. The proposed extension would be sited within the open area between the conservatory and the boundary with the attached neighbour which has a rear extension, off-set from this boundary by 0.75m.

The quality of living conditions in respect of outlook, natural light and ventilation

4. The extension would measure 3.98m deep by 1.7m wide. To accommodate this the existing kitchen window would be made much smaller and the door to the garden would be removed. The council considers that natural light levels entering the kitchen would significantly decrease, ventilation would become limited and there would be a very poor outlook for occupiers, compounded by the narrow space between the proposed extension and the neighbour's wall.
5. However, the flat roof of the utility room is proposed to have a rooflight and the door between the utility room and kitchen is intended to be fully glazed. This would provide additional light to the Kitchen area. The Appellant has offered to install a window to the dining Room in the east elevation, which would look across the side access, towards the blank flank wall of the neighbouring house at No.36. This could be the subject of a condition. Together with this new side window, light would come via the conservatory and the proposed rooflight, thus achieving a satisfactory level of natural light to the utility and kitchen areas.
6. Whilst the kitchen window would be small, it would allow for adequate ventilation: I am told that the smaller kitchen window has been designed to ensure compliance with relevant Building Regulations in respect of light and ventilation. The outlook from the kitchen would be considerably reduced, but this has to be balanced by the advantages to the household of the proposed new accommodation.

The effect of the proposal on external amenity space.

7. Policy RDG6, contained in the 'Castle Point Borough Council Residential Design Guidance', requires that amenity space should cater for all the outdoor needs of all occupiers. All residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room. Currently the dwelling has six habitable rooms with 80m² private amenity space but the requirement is 90m². The proposal would provide some 70m² being retained.
8. Whilst policy RDG6 sets out guidance that should be generally observed, the loss of space through the proposed development would be minor in terms of amenity it offers. The appellant considers that this small area serves as no purpose as garden but is purely used for garden storage and a walkway to the main body of garden – stating that it is always in shade and not a useable size for functioning as a garden space and that it gets covered with algae through constant shade, is slippery and dangerous.

Conclusions

9. For the reasons that I have set out in paragraphs 5 and 6 above, I am satisfied that the quality of living conditions in respect of outlook, natural light and ventilation would be satisfactory. Whilst there are shortcomings in the area of outdoor space, that would be exacerbated by the proposed extension, as

explained in paragraph 7 above, the proposed development would bring benefits to the appellant's household members, which need to be set against any minor loss of amenity space.

10. I have noted that the council shows support for its stance on light and ventilation and amenity provision in various appeal decisions that it makes reference to, but each case must be considered on its individual merits, and I have no information about those decisions that causes me to reconsider my decision.

11. For the reasons I have given, I will allow the appeal.

Conditions

12. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a condition in the event that the appeal is upheld. This condition requires the rooflight to be installed and is necessary to ensure satisfactory levels of natural light to the utility and kitchen areas. In addition, the condition that I mention in paragraph 5 above must be included for the reasons there given.

Terrence Kemmann-Lane

INSPECTOR