



Appeal Decision

Site visit made on 5 March 2025

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 March 2025

Appeal Ref: APP/M1520/D/24/3357727

145 Oakfield Road, South Benfleet, Benfleet, Essex, SS7 5NW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Rachel Silk against the decision of Castle Point Borough Council.
 - The application Ref is 24/0653/FUL.
 - The development proposed is first floor extension to convert existing chalet bungalow into house with fenestration alterations and single storey rear extension with flat rooflights.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have also dealt with another appeal (Ref: APP/M1520/D/24/3357772) on this site. That appeal is the subject of a separate decision.
3. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.
4. Since the appeal was lodged, revisions have been made to the National Planning Policy Framework (the Framework) published in December 2024. Having reviewed the changes, I am satisfied that they do not affect the substantive matters of the appeal, and that proceeding without seeking further comments from the parties would not be prejudicial to their cases.
5. In the appeal statement, the appellant advises that considerable weight as a 'fallback position' should be given to the Prior Approval route for additional storeys, by virtue of Schedule 2, Part 1, Class AA of the General Permitted Development (England) Order 2015 (as amended). An application for Prior Approval for such a development (ref. 24/0732/HASPA) was refused by the Council on 16 January 2025. In the absence of any evidence to confirm that an additional storey could be added to the building without the need for express planning permission, I have not taken this into account as a fallback position.

Main Issue

6. The main issue is the effect of the proposal on the living conditions of neighbouring residents, with particular reference to outlook and privacy.

Reasons

7. The appeal property is a single-storey dwelling with rooms in the roof space that is set behind a front garden which is deeper than most in the vicinity. In contrast, the dwellings either side, Nos. 143 and 153 Oakfield Road (Nos. 143 and 153), are set further forward and closer to the road. Both dwellings have rear-facing first-floor windows positioned forward of the front elevation of the appeal property.
8. Although visible from the neighbouring dwellings, the appeal property currently has a reasonably limited impact on the outlook from Nos. 143 and 153 as a result of its modest eaves and ridge height and hipped roof form. The proposed extensions to the dwelling would significantly increase its height and mass, and would create a far more visually dominant building close to the rear habitable rooms of Nos. 143 and 153. This effect would be exacerbated by the upward extension of the ground floor bay windows.
9. Furthermore, the resultant two-storey building would project along much of the length of the rear garden area of No.153, creating an oppressive sense of enclosure; and the outlook from the shallow rear garden of No.143 would be dominated by the close proximity of the enlarged building.
10. The proposed first-floor bay windows would replicate the shape and glazing of the existing ground floor bays, and include panes angled towards both neighbouring properties. Existing views of habitable rooms of Nos. 143 and 153 from the ground floor bays is limited by intervening fencing and the vertical viewing angles. However, the proposed first-floor bays would have more direct views into the first-floor rooms of those dwellings.
11. I do not share the appellant's assessment that the building line in comparison to the back of the neighbouring properties means that there is no direct line of sight into those dwellings. Whilst the angle between the proposed bay next to No.143 may make it harder to gain clear views, the close proximity would create a very real sense of being overlooked. With regard to No.153, the footprint shown on the submitted site plan includes the ground floor extension to that property. With its first-floor windows set further from the appeal property, and with panes from the bay angled towards the boundary, I am not convinced that looking into the rooms of No.153 would require the serious effort suggested by the appellant.
12. The appellant advises that the proposed front bedrooms would essentially be out of use during daylight hours. However, with changing living practices, including increased home-working, habitable rooms may have multiple uses. There can be no controls imposed to restrict their use.
13. I appreciate that no objections were received from the neighbouring residents in response to consultation on the application. However, paragraph 135 (f) of the Framework seeks to create places which promote health and well-being, with a high standard of amenity for existing and future users. As occupants and their opinions change over time, it is appropriate to secure by design reasonable living conditions for all users.
14. I therefore conclude that the proposal would diminish the outlook for neighbouring residents and result in loss of privacy to a degree that their living conditions would be harmed. This would be contrary to the Framework, and Policy EC2 of the Castle Point Borough Council Local Plan 1998, insofar as the scale, design and siting of

the proposal would not be appropriate to the setting (given the effect on neighbouring residents). It would also conflict with RDG3 and RDG5 of the supporting Castle Point 'Residential Design Guidance' Supplementary Planning Document 2012, which amongst other criteria seek to resist development which would result in excessive dominance to any elevation of an adjoining property, and specifies separation distances aimed at providing appropriate levels of privacy.

15. I note the appellant's view about the date of the Council's adopted policies and guidance, but I have given them weight as they are generally consistent with the national design policies and objectives of the Framework.
16. For the reasons given above the appeal should be dismissed.

H Lock

INSPECTOR