



Appeal Decision

Site visit made on 3 April 2025

by **C Shearing BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th April 2025

Appeal Ref: APP/M1520/W/24/3347678

252 Kiln Road, Thundersley, Essex SS7 1RR

- 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 Mrs Rosie Kavanagh against the decision of Castle Point Borough Council.
 - The application Ref is 24/0058/FUL.
 - The development proposed is described as 'single side extension, double rear extension, loft conversion with dormer, conversion into 4 SC flats.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. During the course of the appeal a new National Planning Policy Framework has been published (the Framework). As the policies which are most relevant to this appeal have not been subject to substantive changes I am satisfied that no party would be prejudiced by my taking it into account.

Main Issues

3. The main issues are:
 - i) the effect of the proposed development on the character and appearance of the area, with particular regard to the proposed parking areas and extensions to the building, and;
 - ii) whether the proposal would provide an acceptable standard of accommodation for future occupiers of Flat 1.

Reasons

Character and Appearance- Parking Area

4. The appeal site is in a predominantly residential area, with a row of shops on the opposite side of Kiln Road. I observed that the majority of these houses have parking areas within the front gardens, set among varying extents of soft landscaping. The set back of the houses from the road together with the trees and soft landscaping of the front gardens and highway verges, contribute positively to the open and verdant character and appearance of the area.
5. The appeal site currently includes a front garden of grass and low level trees. A line of taller, mature trees sit just inside the front boundary of the appeal site, where they are visually prominent in views from the road and around the junction

with Highfield Avenue. Given their scale and location they contribute positively to the character and appearance of the area.

6. The proposal includes four off street parking spaces to be provided at the front of the property. While less than the minimum parking requirement, the Council accept this quantum of parking, given the site's sustainable location and accessibility to public transport and local services. I have no strong reason to reach a different view given the findings of my site visit.
7. The proposed plans show the retention of the front boundary trees and this has been confirmed by the appellant. However there is otherwise very little evidence to demonstrate how the trees would coexist with the parking area. Based on the drawings, the trees would heavily encroach on the width of the parking bay beneath, and it is very unlikely it would be a usable parking space as a result. Alternatively, the line of mature trees would need to be removed to facilitate the parking and manoeuvring areas and, given their positive contribution set out above, this would cause harm to the character and appearance of the area. The resulting hard surfaces would occupy the vast majority of the front garden, and it has not been demonstrated that there would be space for any meaningful landscaping to help mitigate for the loss of those trees.
8. Given the extent of the encroachment of the trees on the parking space, this matter could not be adequately addressed by a condition requiring a tree survey and arboricultural method statement. Even if appropriate construction methods were used to protect the roots of the trees, the trunk of the trees would nonetheless still affect the use of the furthest parking space, based on the drawings.
9. The appellant has suggested an alternative solution, which would instead reposition one parking space to the rear of the site, allowing 3 spaces and the trees to remain at the front. While this would create a more comfortable relationship at the front of the property, I observed that there are similarly a number of large trees at the back of the site, including partially along the boundary with Highfield Avenue, which would very likely be affected, if not felled, to provide a parking space in the position suggested by the appellant. While I observed there is an existing dropped kerb and vehicular gate on the Highfield Avenue boundary, this would appear to be in the position of the proposed extensions and private garden areas. It is therefore unlikely that a parking space could be provided in that position without amending those aspects of the proposal. On the basis of the information before me, it has not been demonstrated that a reasonable solution could be achieved, as such it would not be appropriate to impose a condition to require details at a later date.

Character and Appearance- Extensions

10. The houses on the southern side of Kiln Road, of which the appeal site forms a part, vary in their size and character, and include bungalows as well as traditional detached and two storey properties which have been subject to extensions and alterations. The proposed extensions to the existing house would significantly increase the size and bulk of the building, although given the varied character of the surrounding area, this would not amount to visual harm.
11. The side extensions would bring the property closer to the boundary with Highfield Avenue. This would result in a reasonably narrow gap being retained to the

boundary and would increase the prominence of the building in localised views from Highfield Avenue and around the junction. However, the building line of this side of Highfield Avenue is varied due to the curve of the road and there are only two properties behind the appeal site. In addition, the pitched roof slopes of the extensions would slope downwards towards Highfield Avenue and the first floor would be set further from the boundary. I find that in combination these factors would preserve the character and appearance of Highfield Avenue.

Character and Appearance- Conclusion

12. For the reasons given, the proposal would cause harm to the character and appearance of the area through its front parking area and subsequent effect on the existing mature trees. This would conflict with policy EC2 of the Castle Point Borough Local Plan 1998 (the LP) which requires development to be appropriate to its setting and not harm the character of its surroundings, and consideration of the appearance of spaces around buildings through enhancement by appropriate hard and soft landscaping. It would also conflict with the Framework insofar as it states that existing trees should be retained wherever possible, that development should be sympathetic to local character, and that efficient use of land should take into account factors including the desirability of maintaining an area's prevailing character and setting.
13. Insofar as this main issue is concerned, I do not find conflict with part RDG3 of the Residential Design Guide 2013 (the RDG) which relates to consideration of building lines.

Living Conditions of Flat 1

14. The front most bedroom of Flat 1 would be served by the existing bay window, which would occupy most of the width of the room and reach the internal ceiling height. While the nearest parking space would be very close to the bay window, the plan suggests there would be space between the window and the parking space to provide some planting. Part of the glazing of the window could also be treated appropriately to prevent direct overlooking by users of that parking space. Given the size of the window and as it would serve a bedroom, these measures could reasonably be secured without causing unacceptable harm to the conditions in the bedroom.
15. Another bedroom in Flat 1 would be served by a new projecting window in very close proximity to the side boundary fence and the flank wall of the neighbouring property. Even if the extent of glazing were maximised to increase daylight, that bedroom would experience very poor outlook, giving oppressive conditions within the room, and not conducive to healthy living conditions. However, the occupiers of Flat 1 would experience adequate outlook from the other windows across that unit, which include large south-west facing openings from the main living area, together with a suitable layout and size.
16. When considered as a whole, Flat 1 would provide an acceptable standard of accommodation. I do not find conflict with policy EC2 of the LP in this regard, nor with the provisions of the RDG5 of the RDG and the Framework insofar as they relate to healthy living conditions.

Other Matters

17. The proposal, through increasing residents on the site, could present effects on the designated habitat sites of the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site, and the Blackwater Estuary SPA. However, Regulation 63(1) of the Habitats Regulations¹ indicates the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposal. As the appeal is being dismissed on other grounds it is not therefore necessary to address this in any further detail.

Planning Balance

18. The Council accept that the development plan is out of date and that it is unable to demonstrate an appropriate supply of land for housing. As such, paragraph 11 of the Framework is engaged. The adverse impact of granting planning permission has been found to be the harm to the character and appearance of the area, by reason of the proposed parking arrangements and associated effects on trees. Given the absence of opportunities for replacement planting, those effects would be significant and long lasting, and I give that harm substantial weight.
19. The proposal would deliver a net increase of 3 residential units on the site, which would contribute to the national objective to boost the supply of homes, and which is particularly important given the absence of a suitable supply of land for housing in the Borough. These would be in an existing built up area and with good accessibility to services and facilities including public transport. There would also be some economic benefit of the proposal arising from the construction process and ongoing expenditure into the local economy by future residents. Taken as a whole these benefits attract moderate weight, given the scale of the proposal. When assessed against the policies in the Framework taken as a whole, and having particular regard to the key policies listed in 11d)ii, in particular those relating to efficient use of land and securing well designed places, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits. As a consequence, the proposal would not benefit from the presumption in favour of sustainable development.

Conclusion

20. For the reasons given, the appeal is dismissed.

C Shearing

INSPECTOR

¹ The Conservation of Habitats and Species Regulations 2017