



Appeal Decision

Site visit made on 16 April 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/M1520/W/24/3356428

Syringa, 1 Somnes Avenue, Canvey Island, ESSEX SS8 9QB

- 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 Lance Rice against the decision of Castle Point Borough Council.
 - The application Ref is 24/0407/FUL.
 - The development proposed is the erection of a pergola.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the Council's decision notice as this clearly and succinctly describes the act of development only.
3. The planning application form indicates that the development has started but has not been completed. It is not clear whether the pergola that has been erected at the site would fully accord with the details of the planning application that is now the subject of this planning appeal. For this reason, I have therefore considered the appeal as a standalone development.
4. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

5. The main issue raised by this appeal is the effect of the proposed development on the living conditions of existing neighbouring occupiers, having particular regard to outlook and appearance.

Reasons

6. The wider area hosts a mixed appearance comprising both residential and commercial uses. However, the pergola would be positioned adjacent existing residential development, as can be seen from the photographs provided by the appellant.
7. The pergola would be some considerable size and would be clearly visible in the rear outlook from Nos. 2 and 4 Central Wall just beyond their rear gardens. Given the size and proximity of the pergola to these existing adjoining occupiers, the pergola would be an excessively dominant structure when viewed from the

neighbouring properties. Furthermore, its metal construction, painted green, would have an industrial utilitarian appearance. As such, this would be a large structure of an appearance not generally found within or close to residential properties.

8. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The visually overbearing impact and unacceptable utilitarian appearance of the pergola in such close proximity to these existing adjoining properties would diminish the enjoyment of the residential living environment for the occupiers of these properties. This would be so both in outlook from the rear of the dwellings and from the outdoor rear gardens of these neighbouring properties. The pergola, therefore, would harm the enjoyment the existing occupiers should reasonably expect to enjoy. The existing boundaries at the end of the rear gardens would not be of sufficient height to obviate the harm that I have identified.
9. I accept that the pergola would not be visible from the adjacent public highway as it would be positioned behind existing tall trees, as can be seen from the appellant's photographs. Nonetheless, it would be visible in the outlook of occupiers of Nos. 2 and 4 Central Wall. The appellant suggests that a more acceptable palette of materials could potentially be agreed, although points out that green matches existing trees and grass. Whether or not other materials would be considered more acceptable, this would not overcome the visually overbearing oppressive nature of the proposed development itself. As such, alternative materials would not ameliorate the objections sufficiently to allow permission to be granted.
10. It has been suggested that there is another property not far from the appeal site that hosts a similar structure. The Council advises that example to be a considerable distance from Somnes Avenue, although within the same administrative authority. From the information before me, although the proposal was of a similar nature in that it proposed a pergola, the Council explains that that pergola was positioned to be as far from residential properties as possible and was of a less industrial design compared to the structure proposed here. That proposal, therefore, related to a different site where, on the evidence that is available to me, the circumstance differ. As such, that development offers little weight in favour of the proposal. The proposal before me can and should be considered on their own individual merits.
11. For these reasons, I conclude that the proposed development would be harmful to the living conditions of existing neighbouring occupiers, having particular regard to outlook and appearance. The proposal would, therefore conflict with Policy EC2 of the Castle Point Borough Council Local Plan 1998, RDG3 and RDG8 of the Council's adopted Residential Design Guidance Supplementary Planning Document (SPD) and the provisions of the Framework. That policy, SPD and the Framework seek, amongst other matters, development to be of a high standard of design.

Conclusion

12. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR