



Appeal Decision

Site visit made on 22 May 2025

by **A Price BSc MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11th June 2025

Appeal Ref: APP/M1520/W/24/3355973

105 High Street, Benfleet, Essex SS7 1ND

- 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 N Brookes of Crown Holding Properties Ltd against the decision of Castle Point Borough Council.
 - The application Ref is 24/0127/FUL.
 - The development proposed is described on the application form as 'demolish existing outbuildings and construct 2no 3 bed semi-detached houses with private garden to the rear and car parking to Station Road'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development lies within a conservation area. Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the extent to which the development would preserve or enhance the character or appearance of the South Benfleet Conservation Area;
 - whether a satisfactory standard of accommodation would be provided for future occupiers, with particular regard to outdoor space; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings, in particular overlooking and loss of outlook.

Reasons

Character and appearance, including South Benfleet Conservation Area

4. The appeal site comprises a parcel of land positioned to the rear of 103 and 105 High Street. It currently contains a series of outbuildings which have a commercial character. Although positioned uphill from Nos 103 and 105, they retain a subservient nature by reason of their simple design and modest scale. Properties

along High Street are predominantly two-storeys in height while those further along Station Road range from two to three storeys in height.

5. The site lies within South Benfleet Conservation Area (the CA). The character and appearance of the CA, and thus its special interest and significance, is in part derived from the variety and architectural richness of its historic buildings, several of which are listed buildings. The buildings that currently exist on the appeal site form a remnant of the site's past and contribute to an historic character in this part of Benfleet. The appeal site adds to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.
6. The loss of the existing buildings would be unfortunate. Nevertheless, the Council has no objection to the principle of this, nor the redevelopment of the site generally. Be that as it may, the proposed development would introduce two large, three-storey buildings to the site, of a contemporary design. These would be highly visible from Station Road and High Street.
7. While a contemporary approach may work in this location, and I note that the appellant has worked to incorporate elements from the local vernacular into the design, it is the combination of the proposal's overall scale and footprint that would be at odds with the prevailing character and urban grain of the immediately surrounding area, and wider CA. The proposed development would have an unacceptable visual relationship with Nos 101-105, dominating those established properties, and appearing cramped in this relatively modest plot. The development would result in an incongruous and discordant feature within the streetscene. Ultimately, this would have a harmful effect on, and thereby fail to preserve, the character and appearance of the CA as a whole.
8. Overall, I conclude that the proposed development would harm the character and appearance of the site and surrounding area, and would fail to preserve or enhance the character or appearance of the CA. The proposed development would conflict with the requirements of Section 72(1) of the Act and the relevant provisions of policies EC2, EC25, EC26 and EC29 of the Local Plan and Policies RDG1, RDG2, RDG3 and RDG8 of the Residential Design Guidance Supplementary Planning Document. These policies, in summary and when taken as a whole, seek to achieve high quality design in development and to conserve heritage assets. Policies RDG7 and RDG10 have been referenced within the decision notice, however these are not before me. Policy RDG9 has also been referenced within the decision notice. However, this relates to energy and water efficiency, and I do not consider it relevant to this main issue.
9. Given the extent of the development relative to the asset as a whole, I find the harm to the CA would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. This is a matter I return to subsequently.

Standard of accommodation

10. The submitted drawings indicate that the proposed three-bedroom dwellings would be provided with private amenity space to the rear. These areas would measure approximately 40sqm and 44sqm respectively. A further 6sqm would be provided in the form of a terrace. The main garden areas appear to be accessed via a bedroom.

11. Policy RDG6 sets out that all residential development involving individual dwellings should be provided with at least 15sqm of amenity space per habitable room. Neither of the proposed dwellings would meet this policy requirement and the proposed arrangement would be atypical. However, Policy RDG6 also sets out that where there is safe and convenient access to high quality public open space, which is within the immediate proximity of the site, less amenity space may be considered appropriate.
12. It is set out that the nearest public space is located some 120 metres away from the site. The appellant cites access to Hadleigh Country Park and South Benfleet Playing Fields. While I accept that these areas are relatively close to the site, I do not consider either to be particularly convenient to access, with access to the playing fields via a busy road and that to the country park up a steep hill. As such, these spaces are highly unlikely to be used in lieu of direct garden space.
13. Overall, I conclude that the proposed development would fail to provide a satisfactory standard of accommodation for future occupiers, with particular regard to amenity space, contrary to the relevant provisions of policy RDG6 of the Council's Residential Design Guidance Supplementary Planning Document. This, in summary and insofar as this main issue is concerned, requires adequate levels of private amenity space.

Living conditions

14. The proposed development would undoubtedly change the relationship between the site and nearby residential properties, with No 5 Station Road positioned to the north and Nos 101-105 High Street positioned to the south.
15. Based on the evidence before me and my observations on site, I am satisfied that the proposed development would not adversely affect the living conditions of the occupiers of No. 5 Station Road in terms of sunlight or any overbearing impacts.
16. The position and scale of the proposed development is such that it would not result in any unacceptably detrimental effects on the occupiers of Nos 101 or 103 High Street with respect to outlook or overbearing impacts. While the introduction of elevated rear-facing windows may increase the potential for overlooking here, the first floor windows would be high level and relatively small, angled away from the rear of Nos 101 and 103, and those to the second floor would serve bathrooms. No habitable rooms at No 105 would be affected.
17. Overall, I conclude that the proposed development would not adversely affect the living conditions of the occupiers of neighbouring dwellings, in accordance with the relevant provisions of policies EC26 of the Local Plan and Policy RDG5 of the Council's Residential Design Guidance Supplementary Planning Document. These policies, in summary, seek to ensure high quality design and living conditions. Policy EC29 has been referenced in the decision notice. However, this is not relevant to this main issue.

Planning Balance and Conclusion

18. I have found that the proposed development would result in less than substantial harm to the significance of the CA. Paragraph 215 of the Framework requires the harm to be weighed against the public benefits of the proposal.

19. Economic benefits would be brought about through the construction phase with a potential increase in trade to local businesses once the proposed dwellings were occupied. I also accept that there would be a contribution of two additional homes to the area. However, those benefits would be limited by the scale and nature of the development, and would be short term in respect of the construction period. These benefits carry limited weight.
20. I also acknowledge the support in the Framework for the efficient use of previously developed sites in sustainable locations, both of which would be achieved here. Nevertheless, this is not at any cost. The Framework is clear that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. It also sets out that the creation of high quality buildings and places is fundamental to what the planning and development process should achieve.
21. Overall, the weight I ascribe to the public benefits that would accrue from the proposed development, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. The proposed development would therefore conflict with the development plan when taken as a whole. There are no material considerations which indicate a decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

A Price

INSPECTOR