



Appeal Decision

Site visit made on 18 June 2025

by **J Bell-Williamson MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 01 July 2025

Appeal Ref: APP/M1520/D/25/3364993

33B Elmhurst Avenue, Benfleet, Essex SS7 5RY

- 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 Mr Stephen Dawney against the decision of Castle Point Borough Council.
 - The application Ref is 25/0229/FUL.
 - The development proposed is rear dormer roof extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dormer on the character and appearance of the host dwelling and surrounding area; and on the living conditions of the occupiers of No 35 Elmhurst Avenue, with regard to privacy.

Reasons

3. The appeal property is a two storey detached dwelling in a residential road of largely similar property types. The surrounding area is residential in character.
4. Policy EC2 of the Castle Point Borough Local Plan 1998 requires a high standard of design in relation to new buildings and extensions, including that the siting, design and layout should be appropriate to its setting and not harm the character of its surroundings. Policy H17 says that in assessing the design aspects of proposals for housing development, the local planning authority will have regard to its adopted design guidelines.
5. Relevant guidance is provided in the Council's *Residential Design Guidance* Supplementary Planning Document. Policy RDG5 indicates that all new development should be informed by the prevailing character created by the built form and where there is a distinct character of development which creates an exceptionally strong pattern, development must not result in a disruption to this pattern. Policy RDG7 addresses roof development and states that development should be compatible primarily with the dwelling, but also the prevailing character of the area. It also indicates that dormers should be an ancillary feature and must not dominate the roofscape.
6. The rear elevation of the existing dwelling is well-proportioned with an unaltered pitched roof. The proposed dormer would cover the majority of the rear roof slope, with its height just below the level of the roof ridge. This height, combined with the

width of the dormer across the majority of the roof, would result in a dominant and bulky addition that would not be ancillary to the original roof form. Consequently, it would upset the proportions of the overall built form of the host dwelling, giving the property a 'top heavy' appearance, contrary to Policy RDG7.

7. While the single window would align with the first floor window below, it would be larger than this existing window, thereby upsetting the 'hierarchy' of window size from the ground to upper floors. This would add to the prominence and incongruous appearance of the dormer, thereby harming the character and appearance of the host dwelling.
8. There is a good degree of uniformity to the rear on this side of Elmhurst Avenue, with properties of similar design and appearance to the appeal property. There are no other visible examples of dormers or other alterations to the simple pitched roof forms. Consequently, this uniformity would accentuate the prominence of the dormer by contrast to the unaltered roofs of other dwellings. In views from neighbouring gardens the incongruous and uncharacteristic appearance of the dormer would be readily apparent.
9. The appellant contends that the proposal would normally be considered as permitted development. However, I am required to consider the appeal before me on its planning merits and there is no specific alternative proposal submitted as a possible 'fallback' to the appeal proposal.
10. Reference is made to roof extensions at Nos 9 and 22 Elmhurst Avenue. However, neither are visible in relation to the rear of the appeal property and the neighbouring unaltered dwellings. While No 22 is close to the appeal property on the opposite side of the street, the bulky addition to the roof does not serve as a positive precedent for similar forms of development. The appellant also draws attention to an appeal decision in London, also for a rear dormer window¹. However, it is not clear that the surrounding context is the same in both cases and the proposed dormer in this case cannot be considered as 'a reasonably discreet structure', for the reasons given above.
11. The window in the dormer would be close to the shared boundary with No 35. Due to the height and size of the window in close proximity to the neighbouring property, it would enable direct, high-level views towards No 35's garden. Moreover, it would result in the perception of overlooking due to its prominence and presence and, therefore, would harmfully affect the reasonable use and enjoyment of the private rear garden. I note the appellant's proposal that a condition could be imposed to require submission of an alternative window design. I am required, however, to consider the proposal as submitted.
12. I acknowledge that there were no objections from neighbouring residents and that the proposal is intended to create additional accommodation with materials matching those of the host dwelling. However, these matters do not overcome the material harm that has been found.
13. Therefore, for the above reasons, I conclude that the proposed dormer would have an unacceptably harmful effect on the character and appearance of the host dwelling and surrounding area; and on the living conditions of the occupiers of No

¹ APP/G5750/D/17/3168144, dated 22 March 2017.

35 Elmhurst Avenue, with regard to privacy. As such, it is contrary to Policies EC2 and H17 of the Castle Point Borough Local Plan 1998, as described above.

Conclusion

14. Accordingly, for the reasons given above it is concluded that the appeal should not succeed.

J Bell-Williamson

INSPECTOR