



Appeal Decision

Site visit made on 8 July 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/B1550/W/24/3354322

Rear of 10 Castle Drive, Rayleigh, Essex SS6 7HT

- 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 Layj Prainer against the decision of Rochford District Council.
 - The application Ref is 24/00028/FUL.
 - The development proposed is a new detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area; and
 - the effect of the proposed development on the living conditions of the occupiers of the neighbouring dwelling, 8 Castle Drive, with regard to outlook.

Reasons

Character and Appearance

4. The appeal site forms part of the rear garden belonging to the property, 10 Castle Drive. It is currently used as such and is partly occupied by a small domestic outbuilding, but is otherwise largely open and undeveloped. The wider surrounding area is residential in nature with properties set out in a traditional linear fashion, set back from the roadside with driveways to the front and gardens to the rear.
5. The proposal would subdivide the site and introduce a one bedroom bungalow in this backland location. This dwelling would front Mount Close, a small residential cul-de-sac comprised of chalet bungalows which although do not follow the same

pattern of development as the surrounding area, are relatively uniform in scale, design and layout. Due to its proximity to the road Mount Close, the proposed dwelling would be a highly visible addition to the streetscene.

6. Due to the limited size of the plot, the proposed dwelling would cover a large majority of the site and would be located in close proximity to all boundaries. This would be particularly noticeable along the front boundary, where the proposed dwelling would be significantly forward of its closest neighbour on Mount Close with a limited set back from the road. This proximity to the boundaries would give the proposal a cramped and shoehorned appearance which would be out of keeping with the traditional layouts of dwellings in the surrounding area. Furthermore, whilst it may meet the necessary space standards, the proposed garden would be an L-shape, located to the side and rear of the dwelling. This would add to the incongruous appearance of the proposal and would be contrary to the traditional rear gardens seen in the surrounding area.
7. The appellant considers that the proposal is within the legal building plot size requirements. Whilst this may be the case, it would still conflict with the prevailing pattern of development to the detriment of the character and appearance of the area. The appellant also suggests that a different colour for the finish of the proposed dwelling would ensure that it blends in with other dwellings on Mount Close. However, this would not alter the limitations of the appeal site or the layout proposed and would not overcome the harm identified.
8. I note that the proposed development intends to replicate a backland dwelling constructed to the rear of 10 Upway, which is also located in the town of Rayleigh. Limited information has been provided regarding this site. However, the layout of development surrounding this site is distinctly different from the appeal site before me, with a dwelling directly opposite and a greater set back from the road due to the presence of a grass verge. Therefore, it is not directly comparable to the appeal site and proposal before me.
9. Consequently, for the reasons above, the proposed development would result in harm to the character and appearance of the area and would conflict with Policies DM1 and DM3 of the Rochford District Council Local Development Framework Development Management Plan 2014 (the DMP). The relevant sections of these policies seek to ensure that the design of new development should promote the character of the locality to ensure that the development positively contributes to the surrounding built environment and that proposals for infilling, residential intensification or backland development must demonstrate that the design of the proposed development in relation to the existing street pattern and density of the locality has been positively addressed.

Living Conditions

10. Due to the topography of the area, the proposed dwelling would be located on a significantly higher ground level than the adjoining property, 8 Castle Drive. The proposed dwelling would be located in close proximity to the shared boundary with this neighbouring property and although only single storey in height would be a highly visible addition to these neighbouring occupiers.
11. The appellant has stated that a higher fence is to be erected along the boundary between 8 and 10 Castle Drive along with the planting of a leylandii hedge. However, due to the elevated ground levels in this location, the proposal would still

be a visible and imposing addition for the occupiers of No.8 when in their rear garden and from any rear windows in the dwelling. Therefore, due to the scale and visibility of the proposed development and its proximity to the shared boundary, it would result in a sense of enclosure and loss of outlook to the occupiers of this neighbouring property.

12. As such, the proposed development would harm the living conditions of the occupiers of the neighbouring dwelling, 8 Castle Drive and would conflict with Policies DM1 and DM3 of the DMP. The relevant sections of these policies seek to ensure that development has a positive relationship with existing and nearby buildings taking into account the proposals impact on residential amenity.
13. No objections to the proposed development have been received from the occupiers of the adjoining neighbouring property at 2 Mount Close. However, this would not negate the harm found to the occupiers of 8 Castle Drive.

Other Matters

14. I note the personal circumstances outlined by the appellant which has led to the application for planning permission for a new dwelling in this location. However, I see no reason as to why this need could not be fulfilled elsewhere in the local area and therefore it would not outweigh the harm I have identified to the character and appearance of the area and the living conditions of the neighbouring occupiers.
15. The appeal site lies within the Zone of Influence of the Crouch and Roach Estuaries Special Protection Area (SPA) and Ramsar site and the Essex Estuaries Special Area of Conservation (SAC). Given that the proposal is for additional housing, there is a reasonable likelihood that this European Site would be accessed for recreational purposes by future occupiers of the development. Therefore, in combination with other developments, likely significant effects cannot be ruled out. Accordingly, a financial contribution is required for all housing development to contribute to a district wide mitigation strategy which has been paid directly to the Council.
16. The Conservation of Habitats and Species Regulations 2017 (as amended) requires the decision maker to undertake an Appropriate Assessment (AA) where there are likely significant effects from the proposal, either alone or in combination with other plans or projects. However, regulation 63(1) indicates the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. Therefore, in view of my overall conclusions resulting in my decision to dismiss the appeal, it has not been necessary to address this in any further detail.

Conclusion

17. Therefore, for the reasons given above and having had regard to all other matters raised, the proposal would conflict with the development plan taken as a whole and I conclude that the appeal should be dismissed.

E Grierson

INSPECTOR