
Appeal Decision

Site visit made on 12 August 2025

by **H Whitfield BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15 August 2025

Appeal Ref: APP/M1520/W/25/3366620

Land to the rear of 2 Cedar Park Close, Thundersley, Benfleet, Essex SS7 3RU

- 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 L Newnham against the decision of Castle Point Borough Council.
 - The application Ref is 25/0187/FUL.
 - The development proposed is the construction of 1 No. residential dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address of the appeal site is given as 2 Cedar Park Close on the application form. The site was formerly part of the rear garden serving that property, however, it has since been separated and fenced off from the dwelling. I have therefore used the address given on the Council's decision notice and appeal form as this more accurately describes the site's location.
3. The site is described as a 'Former residential garage and currently storage area and parking' on the application form, but according to the appellant it is now in use as a builder's yard. However, I have no evidence before me which confirms that the lawful use of the land has changed. As the status of the site is unclear, I have treated the site as garden land for the purposes of this appeal. The Framework excludes land in built-up areas such as residential gardens from the definition of previously developed land. Therefore, I cannot treat it as such.
4. The appellant has submitted two amended plans with this appeal¹ which show a reduction in the floor area of the home office at ground floor through recessing the window serving this room. This amendment does not make a substantial difference or fundamental change to the development when compared to the plans upon which the Council made its decision. The Council has also had the opportunity to review and comment on this evidence such that it would not cause unlawful procedural unfairness to anyone involved in the appeal. I have therefore determined the appeal on the basis of these amended plans.
5. The proposal is also described as a self-build project in some of the supporting documents. However, the application form identifies the development for market housing and no mechanism has been provided to secure the dwelling as a self-build unit. I therefore have not considered it as such.

¹ 'Proposed GA Ground Floor Plan' ref. 301 Rev. A 01b and 'Proposed GA Front and Side Elevation' ref. 304 Rev. A 01b.

Main Issues

6. The main issues are:

- the effect of the proposed development on the character and appearance of the surrounding area; and
- whether the development would provide adequate off-street parking provision and if not, the effect of on-street parking on the living conditions of nearby residents.

Reasons

Character and appearance

7. The appeal site relates to part of the rear garden land that has been separated from 2 Cedar Park Close. However, as the land is at the bottom of the turning head on Cedar Road it is predominately viewed within the context of this road. Cedar Road is characterised by a mix of houses and bungalows of varying styles and constructed from a range of materials. Whilst some plot size variation can be seen, there is an overall regularity to the pattern of surrounding development where properties front onto Cedar Road and are typically set back from the highway behind parking areas and front gardens enclosed by low walls or hedges. This provides a sense of spaciousness and visual relief in what is otherwise a fairly densely developed residential area.
8. The depth of the appeal site is relatively shallow in comparison with surrounding plots. Due to the shape of the site and juxtaposition with the common boundary with 18 Cedar Road, the proposed dwelling would be sited significantly closer to its front boundary than other properties on Cedar Road. This would conflict with the overall set back and pattern of development in the area and result in a cramped form of development that would fail to relate well to its surroundings.
9. The width of the appeal site may be greater than surrounding properties and I note space would be provided between the side boundaries which would be softened by landscaping that could be secured by condition, as suggested by the appellant. However, the development would nevertheless appear as a cramped and uncharacteristic form of development in the street scene. This is contrary to the guidance contained in RDG1 and RDG2 of the Residential Design Guidance Supplementary Planning Document (2013) (the RDG SPD) which states that plot sizes and the space around new development should be informed by the prevailing character of the area.
10. The appellant has referred to the plot sizes of No 2, several properties on Alderleys and the proximity of 16 and 18 Cedar Road to their front boundaries. However, the plot size of No 2 has been reduced as a result of the subdivision of the appeal site and while there may be examples of smaller plots on Alderleys, development on the appeal site would not be read within the context of this neighbouring street. No 16 and 18 have a closer relationship to their front boundaries than other properties on Cedar Road to accommodate the adjacent turning head. However, they still respect the general building line and do not appear cramped with surrounding properties, which is in part due to the spacious setting provided by the appeal site.
11. Furthermore, while the style and material palette of properties along Cedar Road varies, the design of the proposed dwelling would be overtly contemporary and in stark contrast with that of other properties in the street. Moreover, the proposed

fenestration would have an unbalancing effect that would further draw attention to the contrasting design, collectively resulting in incongruous and uncharacteristic form of development. Irrespective of whether the dwelling would help visually terminate the end of the road, improve passive surveillance and would reflect a modern style of architecture, the design fails to take cues from the surrounding vernacular and would appear as an alien and anomalous development in the street scene.

12. The appellant contends that the scheme would improve the appearance of the site which is currently in use for storage. However, I am not convinced that there would not be a less harmful way of repurposing the land and securing the same benefits. Moreover, in the absence of any evidence that the lawful use of the land has changed, the benefits of removing the items being stored on the land attracts very little weight. In any case, any such benefit would be tempered by the effects of the proposed development itself on the character and appearance of the area.
13. I have also been referred to a development on 68 Church Road, Hadleigh² which the appellant considers is similar in design and setting to the appeal scheme. However, I have not been provided with any details of this case and note that this property is sited some distance from the appeal site where the pattern of development and general character is not directly comparable. I am therefore unable to draw any direct comparisons to the appeal scheme.
14. For the above reasons, I conclude that the development would harm the character and appearance of the surrounding area. Consequently, it would conflict with Policy EC2 of the Castle Point Borough Council Local Plan (1998) (the LP) which requires new development to achieve a high standard of design, be appropriate to its setting and preserve the character of its surroundings.

Parking provision

15. Policy T8 of the LP requires developments to meet the car parking standards set in the Essex County Council Parking Standards Design and Good Practice (2009) (the ECC Parking Standards). These require a minimum of one car parking space for a one-bedroom dwelling and two spaces for 2 or more-bedroom dwellings.
16. The appeal scheme proposes a one-bed dwelling that would be provided with one off-street parking space. However, the Council contends that the home office on the ground floor is sufficient in floor area to be used as an additional bedroom and thus, as a 2-bed dwelling, there is a requirement for two off-street parking spaces to be provided. I do not agree.
17. The amended plans submitted with this appeal show the home office reduced in floor area to below the minimum floor area set for a single bedroom in the nationally described space standards³. Thus, I consider it would be too small to function as a bedroom. However, even if I were to consider the larger floor area shown on the original plans, the appellant does not seek permission for this to be used as a bedroom. Permission is sought for a one-bedroomed dwelling and the parking requirements should be assessed on this basis. The Council accepts the proposed parking space would meet the required provision and dimensions for a one-bed property and I see no reason to come to a different conclusion.

² Council Ref. 15/0273/FUL

³ Technical housing standards – nationally described space standard (2015)

18. As the development would be provided with adequate off-street parking provision, there is no reason for me to consider the implications of on-street parking on the living conditions of nearby residents. Consequently, there would be no conflict with RDG12 of the RDG SPD insofar as it requires parking provision to be sited so as not to impact on residential amenity.
19. For the above reasons, I therefore conclude that the development would provide adequate off-street parking provision. This accords with Policy T8 of the LP which requires car parking to be provided in accordance with the ECC Parking Standards.

Other Matters and considerations

20. I note the appellant's concerns over the Council's handling of the application, including how it determined the application following the pre-application advice given. However, this appeal follows the Council's formal decision, and I have determined the case on its own planning merits. I also have no substantive evidence before me to indicate that the Council has failed to undertake its statutory duty of consultation on the application.
21. Notwithstanding my findings in relation to parking provision, I have found that the appeal scheme would result in harm to the character and appearance of the surrounding area, contrary to Policy EC2 of the LP and the guidance in the RDG SPD. This is sufficient to bring the development into conflict with the development plan when read as a whole. Development that conflicts with the development plan should normally be refused unless material considerations indicate otherwise.
22. The Council concedes that it cannot currently demonstrate a five-year supply of deliverable housing sites. The evidence provided by the Council indicates that the current supply is between 0.55 and 0.69 years. Whatever figure is used, this is a very significant shortfall. For the purposes of decision making the policies most important for determining the application are thus deemed 'out of date'. Despite this, the policies with which I have identified conflict are broadly consistent with key policies within the Framework which seek to secure well designed places and make effective use of land. This conflict consequently attracts substantial weight.
23. The scheme would provide a single dwelling within a sustainable location, itself also a key policy, and provide a boost to the delivery of housing within the context of a significant shortfall. But the scale of any related social, economic or environmental benefits would be very small. Therefore, even if I attached significant weight to the overall benefits of the scheme, the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. Therefore, the presumption in favour of sustainable development does not apply.
24. I note the site is located within the Zones of Influence of the Benfleet and Southend Marshes Special Protection Area (SPA) and Ramsar site, the Blackwater Estuary SPA and Ramsar site and the Essex Estuaries Special Area of Conservation which are European Sites as defined by The Conservation of Habitats and Species Regulations 2017 (as amended). The appellant has made a financial contribution towards the Council's scheme of mitigation. Had I been minded to allow the appeal this would have been a matter requiring further consideration. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider it any further.

Conclusion

25. The proposal conflicts with the development plan when considered as a whole and material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

H Whitfield

INSPECTOR