



Appeal Decision

Site visit made on 10 September 2025

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th September 2025

Appeal Ref: APP/M1520/W/25/3366291

Corner Club, 149-151 High Street, Canvey Island, SS8 7RQ

- 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 Lee Petch against the decision of Castle Point Borough Council.
 - The application Ref is 24/0473/FUL.
 - The development proposed is an upwards development to create 3 no. flats.
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Decision

1. The appeal is allowed and planning permission is granted for an upwards development to create 3 no. flats at Corner Club, 149-151 High Street, Canvey Island, SS8 7RQ in accordance with the terms of the application, Ref 24/0473/FUL, subject to the conditions in the attached schedule.

Applications for costs

2. The application for costs made by the appellant is the subject of a separate decision.

Main Issue

3. This is whether the proposed development would be safe for its lifetime taking account of the hydrostatic and hydrodynamic pressures likely to act on the existing building in the event of a flood.

Background

4. The appeal site contains a single storey building used as a drinking establishment. Planning permission was given on appeal in 2023 for an upwards extension to create four flats (Ref: APP/M1520/W/22/3301883). An appeal following the refusal of permission for three flats (Ref: APP/M1520/W/23/3325266) was dismissed in 2024 due to the adverse effects of increased recreational disturbance on coastal wildlife habitat sites. In common with these previous proposals, the scheme involves extending above the existing premises.

Reasons

5. Canvey Island is a self-contained community within Flood Zone 3. However, its housing need cannot be met in other parts of the District with a lower risk of flooding and therefore the Council is satisfied that the sequential test is passed. Furthermore, that the wider sustainability benefits to the community outweigh the flood risk. The other part of the exception test requires that development is safe for its lifetime.

6. In this respect, the appellant's addendum confirms that the flood risk is residual and limited to breach flooding up to a depth of 0.5m. As such, there would be no direct risk to future occupiers at first floor level. The uncontested evidence from structural and civil engineers is that it is extremely unlikely that the building would be subjected to hydrodynamic pressure from flood water and that the walls of the existing building are capable of resisting hydrostatic pressure to the depth anticipated. Overall, the structure is extremely unlikely to be subjected to any loads from floodwater that require any special consideration. In the light of this technical assessment, which is not disputed, the proposed development would be safe for its lifetime.
7. As a result, the exception test is satisfied which means that there is no objection on flooding grounds and that the proposal can be permitted.

Other Matters

8. The appeal site is within the zones of influence of designated European sites of nature conservation importance. The Benfleet and Southend Marshes Special Protection Area (SPA), Foulness Estuary SPA and the Blackwater Estuary SPA are recognised for their value as coastal habitats supporting internationally important populations of bird species. The proposed flats would be likely to increase disturbance within them as future residents would visit the coastline for recreational purposes. In combination with other development, the proposal would therefore lead to a likely significant effect on the designated features of the habitats sites.
9. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) is endorsed by Natural England. It requires new residential development to make a tariff-based financial contribution to fund measures to mitigate the potential adverse in-combination effects on the qualifying bird species within SPAs.
10. The appellant has made an upfront payment. The Council is satisfied with this arrangement and there is no reason to suppose that a responsible and accountable public body would not spend the money as intended. Indeed, the Authority Monitoring Report records expenditure and unspent monies following RAMS contributions. Harmful effects on the SPAs would therefore be avoided. As a result, following an appropriate assessment, the proposal would not adversely affect the integrity of the habitats sites. The proposal would therefore comply with the Conservation of Habitats and Species Regulations.
11. Previous objections that are relevant to this scheme have been covered in the previous appeal decisions and in the officer report. Based on these findings and my own assessment, on-site car parking provision would be adequate and so overspill parking in Gwendalen Avenue would be unlikely. The living conditions of surrounding occupiers would be safeguarded, especially with reference to privacy, provided that screening and obscure glazing is implemented. The separation distances to neighbouring buildings and the orientation of the site means that sunlight levels would not be prejudiced.
12. The flat-roofed addition would meet the expectation in the National Planning Policy Framework for well-designed places and would not be out of scale with surrounding development. The proposal would not necessarily stymie the development potential of the land to the rear. Even in conjunction with the scheme permitted at 153A High Street, there is no compelling evidence that the drainage system would be unable to cope. It should not be assumed that future residents would generate

excessive noise. There is space for storing building materials on-site and the possible placement of scaffolding on adjoining land is a private matter.

Conditions

13. The plans should be specified in the interests of certainty. The parking shown should be provided to avoid creating undue pressure on surrounding streets. On the grounds of amenity and health the waste storage facility should be required. Screening of the roof terrace and obscure glazing to the terrace at flat C are necessary to protect the privacy of surrounding residential occupiers.

Conclusion

14. There would be no conflict with development plan policies and material considerations indicate that the proposed development is acceptable. Therefore, for the reasons given, the appeal should succeed.

David Smith

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with drawings entitled Proposed_Composite – Sheet 2 of 3 Rev 01 and Location_Plan_Block_Plan_And_3D_Views – Sheet 3 of 3 Rev 02.
- 3) The parking area shown on the approved drawings shall be provided and made available for use before any of the flats hereby permitted are occupied. Thereafter those spaces shall be kept available for the parking of vehicles.
- 4) Before any of the flats hereby permitted are occupied, the bin store shown on the approved drawings shall be provided and made available for use. It shall thereafter be retained for that purpose.
- 5) Prior to the first use of the roof terrace for flats A and B, obscure screening to a height of 1.8m from the floor surface of the terrace shall be provided to the terrace sides, as shown on the approved drawings. Such screening to be obscure glazed to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority). Following provision of this screening it shall be always retained.
- 6) Before the occupation of flat C, the first floor window to the roof terrace in the western elevation shall be provided with obscure screening to a height of 1.8m from the floor surface of the terrace, such screening to be obscure glazed to at least level 3 on the Pilkington scale (or such equivalent as may be agreed in writing with the local planning authority). Following provision of this screening it shall be always retained.