



Appeal Decision

Site visit made on 23 September 2025

by **L Gardner MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 September 2025

Appeal Ref: APP/M1520/D/25/3360817

288 Rayleigh Road, Thundersley, Benfleet, Essex SS7 3XE

- 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 Fatmir Pjetra against the decision of Castle Point Borough Council.
 - The application Ref is 24/0602/FUL.
 - The development proposed is described as convert loft space for habitable accommodation and erect front dormer.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a front dormer at 288 Rayleigh Road, Thundersley, Benfleet, Essex SS7 3XE in accordance with the terms of the application, Ref 24/0602/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The external materials of the extension hereby permitted shall match those used in the existing dwelling.
 - 3) The development hereby permitted shall be carried out in accordance with drawing nos 05A ("Proposed Plans and Elevations") and 06 ("Proposed Site Plan").

Applications for Costs

2. An application for costs was made by Mr Fatmir Pjetra against Castle Point Borough Council. This is the subject of a separate decision.

Preliminary Matter

3. The description of development in the banner header above is taken from the application form. I have revised the wording slightly in my decision in the interests of clarity. I have removed reference to elements of the description which are not a form of development. I note that this description better aligns with the Council's decision notice and the description referred to in the appeal form. I am therefore satisfied that the main parties have not been prejudiced by this approach.

Main Issues

4. The main issues are:
 - the effect of the proposal on the character and appearance of the area; and

- whether the proposed development would provide acceptable living conditions for existing and future occupiers, with regard to outdoor amenity space.

Reasons

Character and appearance

5. The appeal site is within a primarily residential area, with varying forms of architectural styles and designs. Dwellings in the surrounding area vary between single and two storeys with both pitched and hipped roofs. Given the level of variation within the immediate street scene, there is not a defining prevailing character to the design of dwellings. Whilst the majority of roof forms remain unaltered, there is evidence of incremental change and roof dormers do feature in the street, including those of a flat roof design on the dwelling immediately adjacent to the appeal site.
6. The appeal property is a semi-detached single storey dwelling which shares an overall sense of cohesion in form and scale to its attached neighbour. Nevertheless, the two dwellings do not show exact symmetry with variations between their external materials and the solar panels on the roof of the appeal property.
7. The appeal property and its attached neighbour are visually interpreted in the context of similar bungalows, both detached and semi-detached in a row to the east of Rayleigh Road. Of the semi-detached bungalows, the appeal site and its neighbour show the greatest degree of commonality. Other semi-detached bungalows in the row appear to have been altered through later additions either in footprint or roof form, which has eroded their symmetry.
8. The Council has adopted Residential Design Guidance (RDG) (2013) which at RDG7 relates specifically to roof development. It states that the roof design of any development should be compatible primarily with the dwelling, but should also be informed by the prevailing character of the area and surrounding forms of roof development. It goes on to discourage the loss of symmetry to a pair or group of dwellings.
9. The proposed roof dormer would create an imbalance between the roof of the appeal property and the attached neighbour and in doing so would be contrary to the guidance within the RDG. However, the commonality between the two dwellings is not so distinctive or valuable to the character of the area that it requires prescriptive preservation. The pairs of semi-detached bungalows along Rayleigh Road have established variations between attached dwellings. When taken in the context of the wider street scene, the roof dormer would align with the existing dormers of the pair of semi-detached bungalows adjacent. The proposal would therefore not represent an overdevelopment of the site.
10. The Council has referred to appeal decisions in the Borough whereby previous Inspectors have resisted the introduction of front roof dormers. Appeal reference APP/M1520/D/21/3268341 related to the extension of a dwelling including front and rear dormers. However, the Inspector in that case specifically identified that alterations in the area were not harmful to the symmetry of attached neighbouring properties. I have found there is an overall lack of symmetry between semi-

detached properties in the area and therefore this scheme is not directly comparable to the appeal scheme before me.

11. Appeal reference APP/M1520/D/21/3279557 again relates to an extension with front and rear dormers. In that case the Inspector found that the front dormer would be at odds with the front roof slopes on neighbouring properties and therefore incongruous to the street scene. This is contrary to my findings that the proposed front dormer would conform with neighbouring roof slopes. I therefore cannot find this appeal scheme to be a direct comparison which would lead me to resist the appeal proposal before me.
12. Based on the above, I have found that the proposal would have an acceptable effect on the character and appearance of the area. It would therefore comply with Policy EC2 of the Castle Point Borough Council Local Plan (the Local Plan) (1998), which seeks a high standard of design and stipulates that the scale and siting of development should be appropriate to its setting and not harm the character of its surroundings.

Living conditions

13. The Council's guidance at RDG6 states that all residential development involving individual dwellings should be provided with at least 15m² of amenity space per habitable room. The guidance outlines that the provision of amenity space should not only concentrate on quantity but should also have an emphasis on ensuring quality and suitability. The officer report acknowledges that the guidance should be applied pragmatically, but that there is less scope for flexibility in the assessment of family accommodation.
14. In the assessment of the application, the Council identified the existing dwelling as having five habitable rooms, meaning the bedroom proposed within the roof dormer would create six. Based on RDG6, the dwelling would therefore require an amenity space of 90m². The existing garden, which would be unaltered by the proposal is quoted as being 57.5m².
15. The appellant contends that the Council has mis-calculated the number of habitable rooms within the dwelling and that typically a habitable room would not include kitchens. The Council's guidance makes no specific reference to what a habitable room is, however, it does explicitly state that habitable rooms do not include bathrooms, en-suites and utility rooms. The absence of a kitchen being identified in this list infers that it would be included within the Council's definition.
16. Based on the dwelling having six rooms, and discounting the bathroom, I find that the Council's interpretation of the guidance is reasonable. The proposal would therefore lead to a dwelling which falls short of the amenity space requirements outlined within RDG6.
17. However, as above, an assessment of amenity space should not be solely reliant on its quantum. The minimum requirements outlined in the RDG are guidance rather than adopted policy. The existing garden is of a well-proportioned size. It would be able to provide the range of functions which would be expected for a private dwelling house, including for areas of play, airing of laundry or storage of larger items. Space to the front of the dwelling would also be available for any supplementary requirements such as the storage of bins.

18. The Council has referred to appeal decisions in the Borough which have considered this matter, copies of which have been provided through the appellant's statement. Appeal reference APP/M1520/W/20/3257360 related to a proposal for a new house rather than the extension to an existing dwelling and therefore is materially different to the appeal proposal before me. In respect to appeal proposal APP/M1520/D/22/3292369, whilst this did relate to an extension and garage conversion to an existing dwelling, the Inspector was clear that the proposal would change the property from a one bedroom unit to one capable of providing space for a family. This is again materially different to the appeal proposal before me where the existing dwelling is already capable of providing space for a family.
19. I have found that the provision of outdoor amenity space would be appropriate to the size of the proposed dwelling and there would be no harmful effects to the living conditions of existing or future occupiers. The Council have referred to Policy EC2 of the Local Plan in the reason for refusal on this main issue. Whilst this policy makes no explicit reference to living conditions, it does relate to a high standard of design, including for extensions. Based on the above, I have identified no direct conflict with Policy EC2 of the Local Plan.

Other Matters

20. The appellant has presented that there would be a fall-back position through the development of the roof using permitted development rights. However, given that I have found the appeal proposal acceptable on its own merits, I have not considered this position further.

Conditions

21. I shall impose a condition specifying the relevant drawings to provide certainty for all parties. A condition is necessary for materials to match those used on the existing house to maintain the character and appearance of the area.
22. The Council has suggested a condition requiring the removal of permitted development rights relating to various classes of the Town and Country Planning (General Permitted Development) (England) Order 2015, including those relating to alterations and extensions to the dwelling and its roof as well as the provision of buildings incidental to the enjoyment of a dwellinghouse. The reason suggested for the imposition of this condition is to ensure an adequate level of residential amenity for occupiers of the site and adjacent properties.
23. Paragraph 55 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so. In this case I find that the removal of permitted development rights as suggested would be disproportionate to the scale and form of the development proposed and would therefore be unreasonable.

Conclusion

24. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

L Gardner

INSPECTOR