



Appeal Decision

Site visit made on 5 August 2025

by A Wright BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd October 2025

Appeal Ref: APP/M1520/W/25/3363353

186 Canvey Road, Canvey Island, Essex SS8 0QP

- 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 Nick Royce of Your Property Investment Group against the decision of Castle Point Borough Council.
 - The application Ref is 24/0197/FUL.
 - The development proposed is the demolition of an existing bungalow and the provision of a new build nursing care home with associated parking and amenity.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of an existing bungalow and the provision of a new build nursing care home with associated parking and amenity at 186 Canvey Road, Canvey Island, Essex SS8 0QP in accordance with the terms of the application, Ref 24/0197/FUL, subject to the attached Schedule of Conditions.

Preliminary Matter

2. The site is within the Zones of Influence (ZOI) of Special Protection Areas (SPAs), Ramsar sites and a Special Area of Conservation (SAC). These are European Designated Sites (Habitats Sites) afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitats Regulations). Although not forming part of the Council's reasons for refusal, as competent authority, I need to consider whether the proposal would be likely to have a significant effect on the integrity of the Habitats Sites. Therefore, I have dealt with the matter as a main issue.

Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
 - the character and appearance of the area;
 - the significance of the Dutch Cottage Grade II listed building;
 - the living conditions of neighbouring occupiers, with particular regard to sunlight and outlook;
 - highway safety, with particular regard to parking provision; and
 - the effect of the proposal on the integrity of Habitats Sites.

Reasons

Character and appearance

4. The appeal site lies within a predominantly suburban residential area located at the far end of St Marks Road, adjacent to Canvey Road, a dual carriageway. Other properties in the area largely comprise two storey pitched roof semi-detached dwellings, with a relatively uniform building line along this part of St Marks Road. Comprising a bungalow facing Canvey Road, the appeal site differs in character to other properties in the locality.
5. The Council's Residential Design Guidance Supplementary Planning Document 2013 (SPD) includes detailed guidance for the design of residential development. SPD Policy RDG3 requires development to be informed by the prevailing building lines to the public realm it faces with any projections into these requiring a design, material, scale, roof pitch and detailing which complements the surrounding streetscene.
6. The proposal is to replace the existing bungalow with a part two storey, part three storey nursing care home. Whilst the proposed building would be much larger in scale than the nearby dwellings, its St Marks Road frontage would broadly align with the façades of houses on this side of the street. Further, although it would be of a different design to the existing local properties, the part adjacent to the neighbouring dwellings would have a similar height and pitched roof to them.
7. The building would have a modern looking design, well-articulated with some pitched and some flat roofs and the massing broken up by different roof heights, wall materials and building insets and projections. The corner situation would provide an appropriate setting for a building of this scale, with the adjoining roads providing a good degree of space around it. The small gap between the two storey element of the proposed structure and the neighbouring house in St Marks Road is not unusual in a suburban residential street.
8. Consequently, I conclude that the proposal would not harm the character and appearance of the area.

Dutch Cottage Grade II listed building

9. The grade II listed Dutch Cottage lies on the opposite side of Canvey Road to the appeal site. Its significance, in so far as it relates to this appeal, is derived from its historical and architectural interest as a cottage dated 1618 built on land reclaimed in the early/mid 17th century by the Dutch. It has an octagonal timber frame with plastered brick facing, a thatched circular pointed roof terminating in a circular chimney stack with moulded capping and central eyebrow dormer windows, amongst other features.
10. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. When facing the front of Dutch Cottage, the building is experienced with a rural backdrop and surrounding garden containing large trees, a small shelter and a low building in the far corner. When viewing Dutch Cottage from the garden behind the building, the front car parking area and the roof of the bungalow on the appeal site are evident, but from this viewpoint the cottage is largely set within a backdrop of sky, trees and a hedge.

11. Saved Policy EC34 of the Castle Point Borough Local Plan 1998 (LP) states that consent will not be granted for new development which would have an adverse effect on the setting of a listed building.
12. The appeal scheme would be significantly higher than the existing bungalow. When viewed from the rear of Dutch Cottage, a large expanse of the proposed flat roofed structure would be visible, reducing some of the skyline backdrop to the listed building. As such, it would negatively impact on the setting of this heritage asset, a finite resource.
13. The proposal would not preserve the significance, in terms of the setting, of the listed building and would be contrary to Policy EC34 of the LP. As the scheme would only be visible from behind Dutch Cottage and would not affect the setting of its principal elevation, this would be at the lower end of less than substantial harm.
14. Paragraph 215 of the Framework states that less than substantial harm to the significance of a designated heritage asset should be weighed against the public benefits of the proposed development. For reasons I go into, the public benefits of the proposal are of a high order. Overall, the benefits would be of sufficient force to outweigh the less than substantial harm that would occur. Accordingly, there would be no conflict with the Framework, as harm to the significance of a designated heritage asset would have clear and convincing justification.

Living conditions

15. The site lies adjacent to the two storey dwelling at 78 St Marks Road (No 78), opposite 29 Picketts (No 29). There is a row of tall trees and a drainage channel to the north, beyond which are residential properties along Dyke Crescent.
16. Policy RDG3 of the SPD seeks to resist development which would result in excessive overshadowing or dominance of adjoining properties. The two storey element of the proposed building would broadly align with the neighbouring dwelling at No 78 and would be an expected arrangement of buildings in a residential street.
17. The three storey flat roofed part of the new structure would have an east-west orientation extending along Canvey Road, with the top floor set back from the rear wall of the floors below, over 18m from the mutual boundary with No 78. Due to the distance between this part of the proposed building and No 78 which would be greater at the third storey level, the proposal would not cause an undue loss of sunlight or outlook to the occupiers of this property when using their rear rooms and garden. This separation, together with the use of obscure glazing in the top floor corridor and seating area, would ensure that the residents of No 78 would not be harmfully overlooked.
18. The care home would be set back from the surrounding roads and separated from No 29 by St Marks Road. There would be a gap between the proposed structure and the northern boundary, with the drainage channel and landscaping creating further separation between the new building and houses on Dyke Crescent. Given the significant distances between the proposed care home and these existing properties, the scheme would not result in harmful overshadowing or sense of enclosure to the occupants of these dwellings.

19. Therefore, I conclude that the proposal would not harm the living conditions of neighbouring occupiers, with particular regard to sunlight and outlook.

Highway safety

20. Vehicular access to the site is from St Marks Road, a residential street which along with Picketts nearby has no parking restrictions. The site is within an urban settlement with ready access to many facilities. There are bus stops within 100m of the site in Canvey Road with regular bus services to Canvey and Southend.
21. The maximum vehicle parking standards in the Essex County Council's Parking Standards Design and Good Practice 2009 (Parking Standards) for a residential care home equate to one space per full time equivalent staff and one space per three beds. The proposed care home would have 20 bedrooms and 13 FTE employees. It is proposed to provide ten car parking spaces, four for staff and six for visitors, below the maximum 20 spaces indicated by the Parking Standards.
22. A Parking Beat survey of Picketts and the western end of St Marks Road was carried out at different times on a Friday and Saturday in January 2022. The survey found that sufficient parking is available close by to accommodate any additional on street parking demand that could be generated by the proposal without detrimentally affecting on-street parking in the vicinity. The Highway Authority confirms that the availability of on-street parking identified in the survey is within the accepted range and is satisfied that the proposal would not endanger highway safety. The survey results align with the findings of my daytime site visit which, whilst only a snapshot in time, indicated good availability of on-street parking close to the site.
23. Staff and visitors would have good access to public transport so may not all require a place to park. Even if the scheme were to generate a need for more parking than proposed, the evidence indicates that this could be accommodated on-street and would not result in unacceptable parking stress.
24. Therefore, I conclude that the proposal would not harm highway safety, with particular regard to parking provision.

Habitats Sites

25. The appeal scheme proposes a nursing home on a site that lies within the ZOI of the Benfleet and Southend Marshes, Blackwater Estuary and Thames Estuary and Marshes SPAs and Ramsar sites and the Essex Estuaries SAC. The Habitats Regulations require that, where a project is likely to have a significant effect on a Habitats Site, either alone or in combination with other projects, the competent authority must make an appropriate assessment of the project's implications in view of the relevant site's conservation objectives. The effects arising from the proposal need to be considered in combination with other development in the area.
26. The SPAs are noted for their estuaries and intertidal sand, silt and mud flats, including several islands, shingle and shell beaches and extensive areas of saltmarsh. They support important populations of wintering and migratory birds, including internationally important wintering waterfowl. The Ramsar sites are noted for their wintering birds and assemblages of waterbirds, amongst other things.

27. The conservation objectives of the SPAs generally seek to ensure that the integrity of the sites is maintained or restored as appropriate, and that the sites contribute to achieving the aims of the Wild Birds Directive.
28. The SAC is a typical, undeveloped, coastal plain estuarine system. It is important for its habitats, including salt meadows, estuaries, saltmarsh scrub, intertidal mudflats and sandflats, annuals which colonise mud and sand, subtidal sandbanks and cord-grass swards.
29. The conservation objectives of the SAC seek to ensure the integrity of the site is maintained or restored as appropriate, and that the site contributes to achieving the favourable conservation status of its qualifying features.
30. A threat to the integrity of the Habitats Sites is recreational activities associated with additional development. The appeal site is within the ZOI where new residential accommodation is likely to result in recreational pressure, which would likely have a significant effect on the protected sites.
31. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy Supplementary Planning Document 2020 (RAMS) sets out a strategic approach to mitigation and has been adopted by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified index linked tariff per dwelling. These include a range of habitat-based measures such as education, communication, habitat creation and monitoring.
32. The RAMS sets out the types of residential development to which the tariff should apply. It states that residential care homes will be considered on a case-by-case basis according to the type of residential care envisaged. The appellant's Design and Access Statement indicates that the clients are an established care home provider which operates a range of care facilities. The development is for a 20 bed nursing home and, unlike the proposal at Garden World Plants Ltd allowed on appeal¹, there is no substantive evidence that future occupiers of the scheme would not visit the Habitats Sites identified above.
33. The appellant has submitted two signed unilateral undertakings (UU), one without a contribution and the other including a contribution of £502.36 to fund the RAMS which is index linked and payable before the commencement of development. This figure is based on a guideline calculation for student accommodation units recognising that such occupiers do not own a car and keep a pet. This would be a similar situation to the occupiers of the proposed nursing home.
34. I have consulted Natural England (NE) who state that there would not be any impacts on the Habitats Sites if the suggested RAMS payment is made. NE also outline that if no RAMS payment is to be made, I would need to be satisfied that there was no reasonable likelihood of future residents visiting the Habitats Sites due to the level of care needed. As future occupants could visit the Habitats Sites and given the need to adopt a precautionary approach, in combination with other development, significant effects on the Habitats Sites cannot be ruled out. As such, the contribution is required in this case and the amount included in the UU is appropriate given the nature of the proposal.

¹ Appeal ref: APP/M1520/W/23/3320925

35. I am satisfied that the planning obligation including the contribution secured pursuant to the Council's RAMS would enable the expedient delivery of mitigation sufficient to address the likely recreational effects of the development. The Framework indicates that Ramsar sites should be given the same protection as SPAs. Therefore, with this mitigation, the proposal would not adversely affect the integrity of the SPAs, SAC and Ramsar sites. As such, it would comply with the RAMS and meet the requirements of the Habitats Regulations.

Other Matters

36. The UUs include an index linked contribution of £4,500 towards the provision of off-site healthcare facilities to be paid before the development commences. This is in response to the Mid and South Essex Integrated Care Board's calculation of the capital cost of additional health services arising from the development proposal. The appellant has not made the case that this would not meet the tests for planning obligations set out in the Framework and I have no reason to disagree.
37. Some respondents consider that the proposal would be contrary to Policy H2 of the LP which seeks the retention of allocated residential land primarily for that purpose. However, whilst it would not provide a family dwelling, the proposed nursing care home would be a residential use of the site which would accord with this policy.
38. Interested parties are concerned about the impact of the proposal on wildlife, including bats. As the site currently comprises a domestic property including a manicured garden, there is little indication of significant ecological interest.
39. There are also concerns about the increased traffic both during construction and once the development is completed, and provision for turning emergency, refuse and other large vehicles. Nonetheless, the Highway Authority is satisfied that the proposal would not endanger highway safety and efficiency.
40. Further, neighbouring residents are concerned about noise and odour during the construction works and afterwards from activity associated with the appeal scheme. There is also concern that future residents would be affected by pollution from traffic, and noise and odour from domestic activities in the area. However, the Council's Environmental Health Officer did not object to the proposal, and conditions on internal noise levels and a construction environmental management plan would provide mitigation in respect of noise and construction works.
41. Conditions requiring details and provision of surface and foul water drainage would ensure that there would be no harm to neighbouring residents resulting from changes to drainage arrangements on the site. Further, although the site is within an area at high risk of flooding, there are no sequentially preferable sites available in areas with a lower risk on Canvey Island. The Flood Risk Assessment includes mitigation measures to ensure that the scheme would be safe for its lifetime and would not increase flood risk elsewhere. Conditions would ensure that the building is designed to withstand a flood event, and a flood response plan is implemented.
42. Some neighbouring occupiers are concerned about subsidence from existing trees, but there is no substantive evidence before me that the land is unstable nor that the proposed development would cause issues in this regard.

43. There are also concerns that the proposal would affect property values, but this is not a planning matter relevant to my determination of the appeal.

Planning Balance

44. The Castle Point Local Housing Needs Assessment 2023 (LHNA) indicates that there were 46 units of older persons housing for every 1,000 older persons in the district aged 75 years or more. This is one of the lowest levels in the country, significantly less than the national average of 120 units per 1,000 people aged 75 or older. The LNHA outlines that there will be a significant increase in the number of people in the district in this age group by 2043, calculating a need for 423 units of dedicated older persons accommodation when applying a rate of 120 units per 1,000 older people. Another care home has recently been built on a former garden centre site nearby, but the proposed nursing care home would provide a further 20 bedrooms, contributing towards the provision of older persons accommodation in an area where there is substantial need. I accord this benefit significant weight.
45. The Council can only currently demonstrate a 1.86 year supply of housing land against the five years required by the Framework. Further, the 2023 Housing Delivery Test results confirm delivery at 54% over the previous three years, below the 75% referred to in the Framework. The proposal would result in the loss of an existing dwelling and its replacement with a nursing care home accommodating 20 residents. The scheme could help to free up existing homes as residents move into the development and I accord moderate weight to its consequent contribution to housing land supply.
46. There would also be some economic benefits during the construction phase and once occupied when the development would create jobs and opportunities for local businesses. Given the scale of the scheme relative to the wider borough economy, this benefit carries little weight.
47. I have found that the delivery of nursing care home accommodation carries significant weight in favour of the proposal. There would be more modest benefits in terms of its contribution to housing land supply and limited benefits to the local economy. On the other hand, I have found that the proposal would cause harm to the significance of the grade II listed Dutch Cottage and recognise that this must be given great weight. However, the effect would be limited. In terms of the balance required by paragraph 215 of the Framework, I consider that the public benefits would outweigh the less than substantial harm to the heritage asset.

Conditions

48. I have had regard to the suggested conditions in the Council's Planning Officer's Report and considered them against the statutory tests outlined in the Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure that the conditions comply with the relevant tests.
49. In addition to the standard time limit condition (1), I have imposed a condition requiring that the development is carried out in accordance with the approved plans (2). This is in the interest of certainty.
50. Pre-commencement conditions requiring the provision of a construction environmental management plan (4) and surface water drainage scheme (5) are

necessary to safeguard living conditions during the construction period and to avoid an increased risk of surface water flooding. The appellant has agreed to these.

51. I have imposed a condition relating to internal noise levels (6). This is necessary to ensure satisfactory living conditions for future residents.
52. Conditions requiring the structure to withstand the hydrostatic and hydrodynamic pressures from flood events (7), a scheme for on-site foul water drainage works (8) and a flood response plan (9) are also necessary to protect occupiers in the event of a flood and to prevent environmental problems arising from flooding.
53. Conditions relating to external materials (3), landscaping (10) and boundary treatments (11) are required to protect the character and appearance of the area.
54. I have imposed conditions requiring details of external lighting (12) and the installation of obscure glazing (13). These are necessary to ensure that the development does not harm the living conditions of neighbouring occupiers.
55. Conditions requiring the vehicular access and parking spaces to be provided (14), details of the covered bicycle store (15) and details of electric vehicle charging facilities (16) are required in the interests of highway safety, to encourage the use of non-car transport modes and to reduce carbon emissions.
56. The Council suggested a condition relating to a section 106 agreement² but the appellant has provided UUs under section 106, and therefore the proposed condition is not necessary or reasonable. Further, the Council's suggested condition that the development should be constructed in accordance with the levels on the planning drawings is not necessary as this is already covered by the approved plans conditions.

Conclusion

57. For the reasons given above, the proposal conflicts with the development plan but the material considerations, including the Framework, indicate that the appeal should be decided other than in accordance with it. Accordingly, the appeal is allowed.

A Wright

INSPECTOR

² Under Section 106 of the Town and Country Planning Act 1990

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: CS.300/01; CS.300/02 Rev B; CS.300/03 Rev B; CS.300/04 Rev B; CS.300/05 Rev B; CS.300/06 Rev B; CS.300/07 Rev B; CS.300/08 Rev C; CS.300/09 Rev B; CS.300/12; and CS.300/14 Rev A.
- 3) The development hereby permitted shall be constructed in accordance with the external materials details on the application form and approved plans.
- 4) No development hereby permitted, including any demolition, shall take place until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following:
 - a) an indicative programme for carrying out the works;
 - b) the arrangements for public consultation and liaison during the construction works;
 - c) measures to minimise the noise including vibration generated by the construction;
 - d) details of any floodlighting;
 - e) the parking of vehicles of site operatives and visitors;
 - f) loading and unloading of plant and materials;
 - g) storage of plant and materials used in constructing the development;
 - h) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - i) wheel washing facilities;
 - j) measures to control the emission of dust and dirt during construction; and
 - k) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved CEMP shall be adhered to throughout the construction period for the development.
- 5) No development hereby permitted shall take place until a surface water management strategy, designed for the 1 in 100 year probability plus 40% for climate change rainfall event, has been submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be first occupied until the surface water drainage arrangements have been completed in accordance with the approved strategy.
- 6) Prior to construction of the nursing care home hereby permitted above foundation level, a scheme demonstrating that the internal noise levels within the nursing care home will conform to the guideline values specified within BS8233:2014 'Guidance on sound insulation and noise reduction for buildings' shall be submitted to and approved in writing by the local planning authority. The nursing care units hereby permitted shall not be first occupied until the approved scheme has been implemented.
- 7) Prior to construction of the nursing care home hereby permitted above foundation level, a scheme demonstrating the ability of the proposed structure to withstand the hydrostatic and hydrodynamic pressures likely to be acting on the building in a 1 in 200 year and 1 in 1000 year flood event inclusive of climate change shall be

submitted to and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved scheme.

- 8) Prior to construction of the nursing care home hereby permitted above foundation level, a scheme for on-site foul water drainage works, including connection point and discharge rate, shall be submitted to and approved in writing by the local planning authority. The development hereby permitted shall not be first occupied until the foul water drainage works have been completed in accordance with the approved scheme.
- 9) Prior to first occupation of the development hereby permitted, a flood response plan shall be submitted to and approved in writing by the local planning authority. The approved flood response plan shall be implemented upon occupation of the development hereby permitted and thereafter maintained at all times that the development is occupied. Any revisions to the plan shall first be submitted to and approved in writing by the local planning authority.
- 10) The landscaping works shown in approved plan CS.300/12 shall be carried out prior to first occupation of the development hereby permitted. Any trees or planting which within a period of five years from the first occupation of the development hereby permitted die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species.
- 11) Prior to first occupation of the development hereby permitted, details of all proposed boundary treatments shall be submitted to and approved in writing by the local planning authority. Boundary treatments shall thereafter only be erected in accordance with the approved details.
- 12) Prior to first occupation of the development hereby permitted, details of any external lighting shall be submitted to and approved in writing by the local planning authority. The external lighting shall thereafter only be installed in accordance with the approved details.
- 13) Prior to first occupation of the development hereby permitted, the second floor windows in the rear (east facing) elevation shall be fitted with obscure-glazing to at least level 3 on the Pilkington Scale, and thereafter so retained.
- 14) Prior to first occupation of the development hereby permitted, the vehicular access onto the highway and the parking spaces shown on the approved plan CS.300/02 Rev B shall be provided and made available for use and thereafter those areas shall be kept available at all times for those purposes.
- 15) Prior to first occupation of the development hereby permitted, details of the covered bicycle store shown in approved plan CS.300/02 Rev B shall be submitted to and approved in writing by the local planning authority. The approved bicycle store shall be provided prior to first occupation of the development hereby permitted and thereafter retained for this purpose.
- 16) Prior to first occupation of the development hereby permitted, details of facilities for electric vehicle charging on the site shall be submitted to and approved in writing by the local planning authority. The approved electric vehicle charging facilities shall be provided and made operational prior to first occupation of the development hereby permitted and thereafter retained for this purpose.