



Appeal Decision

Site visit made on 23 September 2025

by L Gardner MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th October 2025

Appeal Ref: APP/M1520/W/25/3369596

Land and buildings on the South East Side of Oak Road South, Hadleigh, Essex SS7 2DD

- 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 Jay Bolt against the decision of Castle Point Borough Council.
 - The application Ref is 25/0079/FUL.
 - The development proposed is demolition of garages and construction of four-storey building comprising 5no. flats.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development in the banner heading above is taken from the appeal form rather than the application form. The appellant agreed to the revised wording during the Council's consideration of the application and therefore I do not consider that either of the main parties have been prejudiced by this approach.

Main Issues

3. The main issues are:
 - whether the proposal would make adequate provision for access to the site and for the parking of vehicles, with particular regard to highway safety;
 - whether the proposal would provide its occupants with acceptable living conditions, with particular regard to natural light and private amenity space;
 - the effect of the proposal on the living conditions of the occupants of neighbouring dwellings, with particular regard to privacy; and
 - whether the proposal would make adequate provision for waste storage.

Reasons

Highway safety

4. Policy EC2 of the Castle Point Borough Council Local Plan (adopted 1998) (the Local Plan) states that when considering development proposals, the Council will have regard to several criteria, including the need to ensure that all modes of movement are made safe and convenient.

5. The proposed access would rely on the existing access from Oak Road South which currently serves commercial garages in use for vehicle servicing. The access has a narrow width bounded in part by an existing building fronting Oak Road South and by fencing separating it from an adjacent access. The width of the access is insufficient to allow two vehicles to pass each other.
6. The vehicle and pedestrian movements associated with the five flats proposed would be significant, noting the ability of the development to accommodate over 20 people. There is little substantive evidence before me to confirm that the proposed residential use of the site would be less intensive than the existing commercial uses operating within the site. I therefore cannot be satisfied that the existing use of the access represents a fall-back position which would justify the development proposed.
7. The width and length of the access is likely to present scenarios where vehicles are travelling in opposite directions, necessitating one vehicle having to reverse either back into the site, or onto Oak Road South. Visibility reversing onto Oak Road South would be limited by the presence of existing buildings which could in turn create conflict with other vehicles on the highway, or pedestrians and cyclists using the footway.
8. In addition, occupiers of the proposed flats travelling by foot or cycle would have limited space if the access were to also be in use by a vehicle. The lack of space would potentially lead to conflicts between pedestrians, cyclists and vehicles. The identified risk of conflict would create an unsafe highway environment, both for proposed occupiers, and for other users of the highway on Oak Road South. In this respect the proposal is contrary to Policy EC2 of the Local Plan.
9. The Council has accepted that the number and size of the proposed parking spaces would be sufficient to meet the needs of the development. I see no reason to take a different view on this matter. Whilst the tracking diagram provided does not match the proposed plans in its entirety, it does show that vehicles could manoeuvre safely within the site with the same number and size of spaces. The discrepancies between the layout on the tracking diagram and the proposed plan are minimal. I am satisfied that if the appeal were to otherwise succeed, updated tracking details could be secured by condition.

Living conditions for occupants

10. Policy EC2 of the Local Plan requires a high standard of design in relation to new buildings, albeit it does not make explicit reference to living conditions. The Council's Residential Design Guidance (2012) (RDG) refers to the need for windows to be of a size which provide adequate natural light and ventilation to enter the room they serve.
11. Other than one bathroom window, Flats A and C would have a single aspect outlook. The main living area, a shared kitchen/living/dining space, would be served by one large, glazed opening providing ventilation and access onto the external balcony. Given the orientation of this opening, the room would receive natural light for large proportions of the day. Whilst the rear of the room would inevitably be darker, given the size of the opening, the internal environment would not be overly dark or gloomy.

12. The RDG includes standards for the provision of private amenity space which would require 25m² of private amenity space for the two-bedroom flats and 32m² for the three-bedroom flat. The size of the proposed balconies, and the additional communal area would fail to meet the level of amenity space referred to in the RDG. Nevertheless, this document is guidance rather than an adopted policy. It also specifically outlines a level of flexibility where there is access to public open space, or where there are more compact forms of development, for example within town centres.
13. Whilst I have not been presented with details of the nearest areas of public open space, I note that the appeal site is within Hadleigh town centre. The development form in the town centre has a tighter urban grain and therefore it is appropriate in this case to apply the guidance flexibly. Each of the proposed flats would have an area of private amenity space in the form of at least one external balcony. There would also be shared amenity space on the third floor of the building. The combination of these spaces would create attractive and functional areas for occupiers to enjoy.
14. Based on the above, I conclude that the proposal would provide its occupants with acceptable living conditions, with regard to natural light and private amenity space. In respect to this main issue the proposal would represent a high standard of design, and I have identified no direct conflict with Policy EC2 of the Local Plan.

Neighbouring living conditions

15. Policy EC2 of the Local Plan amongst other matters requires development proposals to be of a scale and design which is appropriate to its setting. The proposal would be surrounded by existing built form, including residential uses. Despite being inset within the proposed building, the balconies proposed to serve the main living space of Flats B and D would share a close relationship with the existing flats at 320 London Road (No 320).
16. The main outlook of these balconies would be towards an area of parking. Views towards the windows at the rear of No 320 would primarily be at an oblique line of sight. However, the outlook from the side of the balconies would present an opportunity for a more direct outlook towards the flats at No 320. Nevertheless, this could be overcome through a suitably worded condition requiring a more robust level of screening to the side of the balconies. Were this to be in place, the privacy of the occupiers of the flats within No 320 would be protected.
17. Although across a greater distance, and partially screened by trees, the balconies serving the bedrooms of Flats B and D, and the main living space of Flat E could impose overlooking to the rear gardens of 2, 4 and 6 Ash Road. Nevertheless, the effects of this could again be overcome through a condition requiring greater screening on the side of the balconies. Whilst there would remain some oblique outlook from the balconies, noting the distance between the proposed building and the existing properties on Ash Road, this would not amount to perceivable harm to neighbouring privacy.
18. The RDG outlines expected separation distances between edges of balconies and the boundary they would directly face, at second floor level the expected distance would be 15m. The distance between the boundary of 5 Oak Road South (No 5) and the edge of the balcony serving Flat C would fall marginally short of this distance. However, the distance is intervened by an existing commercial building

which would reduce direct lines of sight into the rear garden or rear windows of No 5, to a degree that the privacy of the occupiers of No 5 would be protected. Based on this, the strict adherence with the distances referred to in the RDG would in this case be disproportionate.

19. Subject to further details which could be secured through condition if the appeal were to otherwise succeed, the proposal would have an acceptable effect on the living conditions of the occupants of neighbouring dwellings, with regard to privacy. I therefore find no direct conflict with Policy EC2 in respect to this main issue.

Waste storage

20. The collection of waste is proposed to be managed through a private contractor which the Council do not appear to raise issue with. I see no reason to take a different view on this point. The contention between the main parties relates to the provisions for the storage of waste, in terms of the amount and the location.
21. As presented, the proposed waste storage would be in conflict with the submitted tracking diagrams for vehicles. Even in the acknowledgement that the tracking diagrams would need to be updated, it is difficult to envisage how the waste storage in its current position on the submitted floor plan would avoid obstructing vehicles.
22. However, there would be space elsewhere within the ground floor of the building which could accommodate waste storage outside of the space required for vehicle movements or parking spaces. The positioning of waste storage within the ground floor of the building, even if it were to be in a slightly different location to that shown, would have limited effects to the character of the area.
23. I am satisfied that the ground floor of the building would be of a sufficient size to accommodate the required car parking, cycle parking, space for vehicle movement, and waste storage, even to a quantum greater than the four bins currently indicated. The precise details of waste storage, in terms of the amount and location, could be agreed through a suitably worded condition if the appeal were to be allowed.
24. Based on the above, the proposal would make adequate provision for waste storage. Whilst Policy EC2 of the Local Plan makes no explicit reference to waste storage, it does refer to the consideration of the layout and design of development proposals in the context of not harming the character of the surroundings. Given my findings, there would be no direct conflict with Policy EC2 on this main issue.

Other Matters

25. The proposed development would be acceptable in numerous respects. The principle of residential development in this location is not disputed, nor is the overall scale and positioning of the proposed building. Each of the proposed flats would meet technical housing standards in terms of their internal floor space. The number of parking and cycle spaces would be appropriate as well as the provision of electrical charging points. No harmful effects have been identified in respect to ecology. Nevertheless, the absence of harm in relation to these matters does not weigh in favour of the proposal.
26. The appeal site is within the zones of influence (ZOI) for likely significant effects to occur to European designated sites, specifically the Southend and Benfleet

Marshes ZOI, Foulness ZOI and Blackwater ZOI. Effects could occur through increased recreational pressure when considered either alone or in combination with other residential development. A unilateral undertaking has been provided which details a contribution towards the Council's recreational disturbance avoidance and mitigation strategy. The provision of this would be necessary to mitigate the development and therefore again does not weigh in favour of the proposal.

Planning Balance

27. The Council has confirmed that the projected housing trajectories for the periods 2026–2031 and 2031–2036 indicate that the Council cannot currently demonstrate a five-year supply of deliverable housing sites. For the period between 2026-2031 the years supply is stated as being 0.58 years. This represents a notable shortfall which in turn warrants the application of paragraph 11(d)ii. of the National Planning Policy Framework (the Framework).
28. As above, I have identified that the proposal would cause severe harm to highway safety through a risk of conflict between vehicles and pedestrians and cyclists. I assign significant weight to that harm.
29. Five additional dwellings would contribute towards the shortfall in housing in the Borough and would represent an efficient use of sustainable brownfield land. The proposal incorporates measures of sustainability into its design, including solar panels. It would also provide economic benefits during both construction and occupation.
30. Even small developments present the opportunity to make a meaningful, immediate difference to housing land supply. In this respect I have given the associated housing delivery moderate weight in the overall balance. Nevertheless, this, and the cumulative limited weight of the other benefits outlined above do not outweigh the significant weight I assign to the harm that would be caused to highway safety.
31. In the specific circumstances of this case, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the Framework, taken as a whole, having particular regard to securing safe and suitable accesses for all users.

Conclusion

32. I have identified no specific harm in relation to living conditions for future or existing occupiers, and I have found that the proposal would be able to make adequate provision for waste storage. Nevertheless, I have concluded that the proposal would have a harmful effect on highway safety and consequently would conflict with the development plan when read as a whole. There are no other material considerations, including the provisions of the Framework, which indicate planning permission should be granted. Therefore, the appeal is dismissed.

L Gardner

INSPECTOR