



Appeal Decision

Site visit made on 2 December 2025 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 May 2026

Appeal Ref: APP/M1520/D/25/3372760

15 Malyons, Thundersley, Benfleet SS7 1TS

- 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 Alicia Bradon against the decision of Castle Point Borough Council.
 - The application Ref is 25/0385/FUL.
 - The development proposed is originally described as, single storey front and rear extensions to existing external garage and conversion to provide additional habitable accommodation ancillary to the main dwelling. The front extension will feature a lean-to pitched roof and brickwork external walls, while the rear extension will incorporate a flat roof with rendered external walls. Works include the full refurbishment of the existing flat roof to match.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey front and rear extensions to garage and external alterations to provide ancillary accommodation to main dwelling at 15 Malyons, Benfleet, SS7 1TS in accordance with the terms of the application, Ref 25/0385FUL, 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 development hereby permitted shall be carried out in accordance with drawing numbers: M-A-DR-XX-2003 REV B, M-A-DR-00-2000 REV D, M-A-DR-XX-2002-B
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of development set out in the banner heading above differs from, the Council's decision notice, which accurately and more concisely describes the development as shown on the supporting plans as, "a single storey front and rear extensions to garage and external alterations to provide ancillary accommodation to main dwelling." This description has been used in the consideration of the appeal and provides a more concise description of the proposed development.

Main Issues

4. The main issues are;
- i) Whether the proposal would be the creation of a separate dwelling rather than ancillary accommodation;
 - ii) The effect of the proposal on the character and appearance of the host dwelling and area; and
 - iii) The effect of the proposal on the living conditions for existing and prospective occupants of the ancillary accommodation and host dwelling.

Reasons for the Recommendation

5. The Malyons is characterised by a mix of two-storey detached and semi-detached dwellings located in a residential area. The appeal site forms part of three pairs of semi-detached dwellings which have a general coherence in terms of scale and appearance. There are linked garages to the side of the rear elevation of the dwellings which extend into the rear gardens, with driveways running along the side of each property to provide access.

Whether or not a separate residential unit

6. The proposed accommodation would provide a bedroom, bathroom and lounge area. Bifold doors from the lounge would provide access into the rear garden. Although not indicated on the proposed floor plan, the appellant suggests in their supporting statement a kitchenette would also be provided. There are no internal doorways proposed connecting the proposal and internal accommodation of the main dwelling, although they would be physically attached.
7. The accommodation would be self-contained providing facilities for day to day living. However, this is not an indication that an independent dwelling would be created. It would provide the occupant (in this case, a family member) with a degree of privacy and independence whilst living in an attached part of the building. It would share car parking and garden area with the main property contributing to the sense of connectivity between the proposed accommodation and main dwelling, as well its utility connections and postal address. It would be functionally dependent on the main dwelling.
8. A new dwelling has not been applied for. If the accommodation is not constructed or used as proposed, or if there is a material change of use in the future to create a separate dwelling, then a separate grant of planning permission would be required. A restrictive occupancy condition as suggested by the Council is therefore not considered necessary.
9. For the above reasons, the proposal amounts to ancillary accommodation. As such there would be no conflict with the National Planning Policy Framework (The Framework) Chapter 12 which seeks amongst other matters, to ensure that developments function well and maintain a sense of place.

Character and appearance

10. The proposal would extend the depth of the rear garden and would marginally increase the width over that of the existing garage. During my site visit, I observed

the neighbouring property at No.17 The Malyons possesses an extension of a similar depth which also projects into the garden. I also noted that the wider rear garden context also demonstrates that rear extensions and ancillary structures are not uncommon. Notably, outbuildings are clearly visible beyond the immediate rear garden boundary within the rear gardens of properties on Badgers Hall Avenue Way, contributing to a more varied built form in the wider area. Furthermore, garages set back within the plots into the rear gardens are a feature on this side of Malyons Road, illustrating that deeper forms of development already form part of the established character of the area. When considered cumulatively, these elements demonstrate that a structure occupying a greater proportion of the garden depth would be consistent with, and not out of keeping with, the wider spatial pattern of development.

11. The proposal would extend forwards of the front elevation of the existing garage but would be set in from the shared driveway boundary by 0.9m and set comfortably back from the front elevation of the host dwelling. A door to the proposed accommodation is accessed from the driveway and incorporated in the side facing elevation, providing separate access into the proposed accommodation. A single window, serving the bathroom is proposed on the front elevation.
12. The front elevation of the proposal would be visible from the street, however, given its siting, design and appearance it would present as a single storey side extension in these views. As a result, it would integrate well within the context of the appeal property and be perceived as a subordinate addition. The use of matching materials would further reinforce a visual connection with the main dwelling, ensuring it reads as part of the same development rather than a separate dwelling.
13. Accordingly, the proposal complies with saved Policy EC2 of the Castle Point Borough Council Local Plan (1998), which seeks development to respect the scale, siting, layout, design and external materials appropriate to its setting and not be harmful to the character of the surroundings.

Living conditions

14. The Council highlight that the proposal would fall short of the Technical Housing Standards - Nationally Described Space Standards (2015), and that it would not provide adequate living space were it to be occupied as an independent unit of accommodation. However, as the proposal is for ancillary accommodation and it would be used in association with the main dwelling, the need to adhere to the space standards is unnecessary.
15. I accept that the proposal would result in some loss of garden amenity space, which the Council suggest is already below the standard set out in Policy RDG6 of the Castle Point Residential Design Guidance Supplementary Planning Document (2013) (SPD). However, during my site visit I observed that although the proposal would encroach further into the garden, a significant element of the main usable part of the garden would be retained providing adequate amenity space for existing and prospective occupiers to undertake the normally anticipated domestic functions. Whilst the existing patio area to the rear of the garage would be lost, given its position and size, it appeared to have limited functional value as amenity space. The single aspect from the window and bifold doors into the shared garden would provide appropriate light and outlook for prospective occupiers.

16. For these reasons, and in the absence of the identification of a relevant development plan policy, whilst the proposal would result in some conflict with the SPD guidance, it accords with Chapter 12 of the Framework which seeks amongst other matters, to secure a high standard of amenity for existing and prospective occupiers.

Conditions

17. Standard conditions relating to the commencement of development and for works to be in accordance with the approved plans are necessary for enforcement purposes and the avoidance of doubt.
18. In the interests of protecting the character and appearance of the dwelling and the surrounding area, a condition requiring the external materials of the extensions to match those used in the existing dwelling is necessary.

Conclusion and Recommendation

19. For the reasons given above the appeal scheme would comply with the development plan as a whole and to the approach in The Framework. I therefore recommend that the appeal is allowed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Martin Seaton

INSPECTOR