

Appeal Decision

Site visit made on 27 September 2016

by Mr Kim Bennett BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 October 2016

Appeal Ref: APP/M1595/D/16/3153688

32 Archates Avenue, Grays, Thurrock RM16 6QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Abdul Otusanya against the decision of Thurrock Borough Council.
 - The application Ref 16/00278/HHA, dated 26 February 2016, was refused by notice dated 27 April 2016.
 - The development proposed is a two storey side/rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. In its decision notice the Council refers to conflict with Annexe A1.2 of the Local Plan (LP) which, as the appellant points out, refers to new dwellings rather than extensions. However the text in the decision notice alongside that reference is mainly from Annexe A1.1 which relates to extensions and additions to existing dwellings and I therefore presume that the reference to A1.2 was a typographical error. In any event I have proceeded on the basis that the relevant policy reference is Annexe A1.1 rather than A1.2.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. Number 32 Archates Avenue comprises a large detached house located on an open corner plot at the point at which the road becomes a cul-de-sac. The surrounding area is fairly modern with a variety of architectural styles and materials but in the main there are open front gardens enclosed by low walls or hedges which in my view gives the area an open character to it.
5. The appellant considers that the character of the area generally is large houses on modest plots so that the extension would not conflict with that character. Reference is also made to several examples nearby where large extensions have been permitted. Finally, the area of land serves no real benefit to the occupiers whereas an extension is needed to cater for the growing accommodation requirements of the family.

6. Whilst I acknowledge that other properties within the area have been extended close to their site boundaries, Number 32, because of its corner location, is particularly prominent when approaching it along Archates Avenue from the east, from the houses beyond the cul-de-sac immediately to the west, and also from the footpath opposite the site to the north. At present there is a pleasant spacious feel to the property within its plot because of the low level planting to the open front garden and space between the north west boundary and the adjoining public footpath. Much of that space, to the rear of the main house and beyond the boundary wall is taken up with mature vegetation which provides a soft feel to what would otherwise be a hard urban edge to the site.
7. The proposed extension would be approximately half the width of the existing house along the frontage and would extend some 2.5 metres beyond the rear elevation and in close proximity to the north west site boundary. It would be a full two storeys in height and would present an unrelieved expanse of brickwork when viewed from the side. Additionally, a significant part of the vegetated side area would be lost. In my view, a combination of the above factors would result in an extension which would dominate this particular part of the street scene which would be out of character with the current spacious feel of the property within the site and would cause visual harm as a result.
8. I note the references by the appellant to other apparently similar examples of extensions elsewhere. The full circumstances of those are not before me and such cases usually turn on individual site issues such as site or area history, specific site characteristics, prominence in street scene or individual site relationships. Accordingly they have not been decisive in my findings above. However, of the cases referred to in Archates Avenue itself, I do not consider they are as prominent in the street scene as Number 32 and therefore the issues are not directly comparable.
9. The appellant refers to the Council's concern over conflict with its guidance set out in Annexe A1.1 of the LP and considers that the required distance of 4.5 metres to the boundary for a side extension is overly onerous, particularly given the age of the LP. I have some sympathy with that view in that such a rigid requirement cannot reflect all the varying site circumstances that will be encountered. However I note that the annexe uses the word 'normally' implying that there can be some discretion on required distances, and that the overall objective of ensuring open character is retained on corner plots, is well conceived and remains valid notwithstanding the age of the LP.
10. I understand that the garden area may not be actively used by the appellant at present but it still has a wider amenity role in the character of the immediate area as set out above and its apparent lack of use is not a good reason to justify its loss.
11. I also acknowledge the references to fall back positions which may be carried out under permitted development rights. In that respect there is no evidence before me as to any realistic prospect of an alternative scheme being carried out but even if there was, I do not consider that such an alternative would necessarily cause the same harm that I have identified above.

12. I am sympathetic to the appellants desire to increase the level of living accommodation for his family but it does not override the wider visual harm which would be caused in my view were I to allow the proposal.

13. In the light of the above, the proposal would be contrary to Policies PMD1, PMD2 and CSTP22 of the Councils Core Strategy and Policies for Management of Development 2011 and guidance within Annexe A1.1 of the LP in that it would reduce the open character of the area, would not contribute positively to its character or improve the quality of the environment and would be harmful to the amenities of the area.

14. Accordingly, for the above reasons and policies referred to, the appeal should be dismissed.

Kim Bennett

INSPECTOR