
Appeal Decision

Site visit made on 12 December 2016

by Grahame Gould BA MPhil MRTPI

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

Decision date: 5th January 2017

Appeal Ref: APP/M1595/W/16/3157488

6 Tennyson Avenue, Grays, Thurrock RM17 5RG

- 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 Sherriff against the decision of Thurrock Borough Council.
 - The application Ref 16/00361/FUL, dated 4 March 2016, was refused by notice dated 27 May 2016.
 - The development proposed is conversion of existing 5 bedroom house to 3 one bedroom apartments.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development set out on the application form refers to the appeal property (No 6) being converted from a house into three apartments (flats). Notwithstanding that the Council's the second reason for refusal raises a concern with respect to the annexe building in No 6's rear garden becoming a separate dwelling. I appreciate that there is a planning permission for the annexe¹ (the annexe permission), which restricts this building's occupation to that of ancillary accommodation to No 6 and I am also mindful of the fact that the conversion of No 6 into flats would mean that the annexe could not be occupied in the terms allowed for by the annexe permission.
3. However, in my opinion the description of development used on the planning application form means that only the conversion of the main house falls to be considered under the terms of the appealed application. I therefore consider that it would be inappropriate for me to consider the potential for the annexe to be occupied as a fourth dwelling as part of the appeal before me. Accordingly I have not considered the issues raised by the Council in the second reason for refusal.

Main Issues

4. The main issues are the effect of the development on: the living conditions of the occupiers of 8 Tennyson Avenue (No 8), with particular regard to noise and privacy; and the character of the area.

¹ 11/00343/HHA

Reasons

Living Conditions

5. The development would include the provision of a parking area for four cars within No 6's rear garden, following the conversion of this property's garage into a covered way to enable access from Tennyson Avenue to the rear parking area. Nos 6 and 8 are a pair of semi-detached houses and while both of these properties have comparatively long rear gardens, those gardens are quite narrow. The provision of the rear parking area would introduce vehicular activity into what is a quite confined back garden area, in close proximity to No 8's rear garden.
6. I find that the comings and goings associated with the parking area's use would generate noise and disturbance in what could reasonably be expected to be a peaceful garden environment. I therefore consider that the activity associated with the rear parking area's use would be harmful to the living conditions for the occupiers of No 8. I note that the Council's Environmental Health officer has not raised an objection to the development. However, that does not necessarily mean that that officer gave consideration to the implications of the car parking area's use on the living conditions of the occupiers of the neighbouring properties, because in my experience this is an issue that tends to come within the scope of a planning officer's assessment of a development.
7. While flat 2's first floor kitchen window would look out towards No 8's rear garden, I do not consider that the outward views from this kitchen would be comparable to those arising from the use of the existing bedroom. I therefore consider that the location of flat 2's kitchen window would not give rise to any unacceptable overlooking of No 8's garden.
8. For the reasons given above I conclude that the use of the rear parking area would cause noise and disturbance for the occupiers of No 8, which would be harmful to those residents' living conditions. There would therefore be conflict with Policy PMD1 of the Thurrock Core Strategy and Policies for Management of Development Focused Review: Consistency with the National Planning Policy Framework of 2015 (the CSPMDFR), because unacceptable harm would be caused to the amenity (living conditions) of the occupiers of a neighbouring property. The third reason for refusal cites conflict with Policy PMD2 of the CSPMDFR, however this policy addresses the appearance of new development and I therefore find it not to be relevant to the development's effect on the living conditions of the occupiers of No 8.

Character of the Area

9. Tennyson Avenue is characterised by single family houses, while the neighbouring sheltered housing scheme in Piggs Corner is occupied more intensively. Although the development would involve No 6 being occupied more intensively, I consider that this property's conversion into flats would be compatible with the area's residential character and the intensity of occupation found within Piggs Corner.
10. I therefore conclude that the development of itself would not be harmful to the area's residential character and that as such there would be no conflict with Policy CSTP22 of the CSPMDFR or the National Planning Policy

Framework, most particularly the fifth core planning principle (taking account of the different roles and character of different areas) referred to in paragraph 17 and sections 6 (delivering a wide choice of high quality homes) and 7 (requiring good design). However, the absence of harm in this respect does not persuade me that the development would be of an acceptable intensity, given the harm that there would be to the living conditions for the occupiers of No 8 arising from the rear parking area's use.

Other Matters

11. I am sympathetic to the appellant's desire to provide accommodation for other family members, however, I consider that the fulfilment of that wish would not justify the occupiers of No 8 being subjected to unacceptable living conditions. The appellant has referred to various other developments that have permitted within rear gardens by the Council. However, the concern that I have identified with respect to the development's adverse effect on the living conditions for the occupiers of No 8 is a very site specific one and I therefore consider that the permissions granted elsewhere have little bearing on my determination of this appeal.
12. I note that the highway authority has not objected to the development and I see no reason why this scheme would adversely affect the operation of the local highway network. However, I consider that the absence of a highway objection is outweighed by the scheme's harmful effect on the living conditions for the occupiers of No 8 that I have identified.

Conclusion

13. Although I have found that the development would not adversely affect the area's character there would be unacceptable harm to the living conditions for the occupiers of No 8. That harm could not be overcome by the imposition of reasonable planning conditions and I therefore conclude that the appeal should be dismissed.

Grahame Gould

INSPECTOR