

Appeal Decision

Site visit made on 30 January 2017

by J A B Gresty MA MRICS

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

Decision date: 13 February 2017

Appeal Ref: APP/M1595/D/16/3164224
50 King Edward Drive, Grays RM16 4AQ

- 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 Jason & Mrs Jo Goodall against the decision of Thurrock Borough Council.
 - The application Ref 16/01094/HHA, dated 4 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is conversion and extension of existing garage to form ancillary granny annexe.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion and extension of existing garage to form ancillary granny annexe at 50 King Edward Drive, Grays RM16 4AQ in accordance with the terms of the application, Ref 16/01094/HHA, dated 4 August 2016, 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 materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The building hereby permitted shall not be occupied at any time other than for purposes ancillary to the residential use of the dwelling known as 50 King Edward Drive, Grays, Essex RM16 4AQ.
 - 4) Demolition or construction works shall take place only between the hours of 0800 and 1800 on Mondays to Fridays and between the hours of 0900 and 1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
 - 5) The development hereby permitted shall be carried out in accordance with the following approved plans: 1616.1, 1616.2, 1616.3, 1616.4.1, 1616.5.1, 1616.6, 1616.7.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the local area.
-

Reasons

3. The appeal property is a semi-detached, two-storey house situated in a corner plot at the junction of two predominantly residential roads, King Edward Drive and Grangewood Avenue. The main body of the house is set back from the two roads and there is a substantial, single-storey, flat-roofed garage to the side of the house. The side wall of the garage stands on the boundary of the appeal plot with Grangewood Avenue. The garage is linked to the main house by a single-storey, lean-to extension.
4. The appeal proposal is for extension and conversion of the garage into accommodation which would be occupied as a residential annexe ancillary to the main dwelling. The works would include extension of the garage to the rear by about 3 metres to form a building about 9 metres long. The brick wall which forms the side wall of the garage would be continued at the same height to form the side wall of the extended building. The existing wall is a prominent feature in the street scene when viewed from Grangewood Avenue, but not unduly so and its appearance is in keeping with the character and appearance of the local area. The extended wall would be of similar design to the existing garage wall and, although a bit taller than the garden wall to the rear, it would reflect the design and appearance of the garden wall.
5. A pitched-roof would be built over the extended building, replacing the garage's flat-roof. The ridge height of the new roof would be a little above the top of the mono-pitch roof of the adjoining lean-to building. Whilst, because of its height, a pitched roof would stand out in the street scene more prominently than the flat-roof does, the annexe building would be small in comparison to the host dwelling and the pitched roof would not stand out as unduly large.
6. The dwellings and other buildings on the north side of Grangewood Avenue, behind the appeal property, are set back from the road behind front gardens and driveways. The annexe would stand forward of this building line. However, visually the appeal property relates to King Edward Drive and its walled back garden and garage combine with the house to form a distinct feature in the street scene which does not relate strongly to the pattern of development on Grangewood Avenue to the rear. Consequently the position of the proposed annexe forward of the prevailing building line on Grangewood Avenue would not adversely affect the appearance of Grangewood Avenue. Overall, the extended annexe building would, as a consequence of its design, single-storey roof, relatively small size and visual relationship with King Edward Drive, would be in keeping with the character and appearance of the host property and local area as a whole. In these respects the proposed development would accord with the aims of good design sought by Policies PDM1 and PMD2 and Policy CSTP22 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development.
7. In order to retain an open character, saved Annex 1 Part A1.1 of the Thurrock Local Plan (LP) normally requires a minimum flank building line of 1.8 metres for side extensions on corner plots. In this case the proposal would not alter the existing building line of the appeal property with respect to Grangewood Avenue. Whilst the pitched roof would be higher than the garage's flat roof and the roadside wall of the building would be extended by a few metres, the overall the openness of the back of the appeal property and the junction of the two

roads as a whole would not be affected significantly. Accordingly I conclude that the proposed development would be in keeping with the requirements of saved LP Annex 1 Part A1.1 in this respect.

Conclusion

8. At the heart of the National Planning Policy Framework (the Framework), there is a presumption in favour of sustainable development. Good design is a key aspect of sustainable development. In this case the proposed development would be in keeping with the character and appearance of the local area and in this respect would represent sustainable development as sought by the Framework. Therefore, on balance and for the above reasons, I conclude that the appeal should be allowed.

Conditions

9. The appeal property is situated on a good sized plot. Evidence has not been presented to indicate that there would be space for the appeal property to be used for two independent dwellings without harm to the living conditions of the occupiers of the host property with regard to privacy and outdoor amenity space. For this reason I impose a condition which would require the annexe to be occupied on an ancillary basis to the host dwelling only. The Council also proposes that a condition is imposed to prevent subdivision of the garden to create independent amenity spaces. It is not clear that such a condition would be necessary if the annexe's occupation is ancillary to the host property and, therefore, I do not impose a condition preventing installation of fences or other means of enclosure within the appeal property's curtilage.
10. The appeal property is situated in a predominantly residential area. To protect the living conditions of the occupiers of nearby dwellings during the construction process, I impose a condition restricting the hours of building work to weekdays and Saturday mornings.
11. In order to ensure the satisfactory appearance of the development, I impose a condition requiring the external materials for the extended building to match those of the host property.
12. For the sake of clarity, I impose a condition requiring the development to be carried out in accordance with the approved plans.

J A B Gresty

INSPECTOR