

Appeal Decision

Site visit made on 26 January 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 07 March 2017

Appeal Ref: APP/M1595/W/16/3158691

30 Whitehall Road, Grays, Thurrock, RM17 5NX

- 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 M Motashaw against the decision of Thurrock Borough Council.
 - The application Ref 15/01510/FUL, dated 22 December 2015, was refused by notice dated 17 March 2016.
 - The development proposed is demolition of existing dilapidated garages at the rear of 30 Whitehall Road and construction of 2 No 2 bedroom dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing dilapidated garages at the rear of 30 Whitehall Road and construction of 2 No 2 bedroom dwellings at 30 Whitehall Road, Grays, Thurrock, RM17 5NX in accordance with the terms of the application, Ref 15/01510/FUL, dated 22 December 2015, subject to the conditions in Annex A.

Main Issues

2. The main issues are the effect of the dwellings on (a) the character and appearance of the area and (b) the living conditions of existing occupiers, with particular regard to daylight and sunlight and the garden area of No 30 Whitehall.

Reasons

Character and appearance

3. The site is irregularly shaped and positioned between No 30 Whitehall and dwellings in Northfields. The dwellings would be located roughly centrally within the site. The front elevation would be broadly in line with the side walls of No 30 and No 19. The materials shown on the plans would be white brick, grey aluminium and a sedum roof. The dwellings would be two storeys and have appropriate parking and garden areas.
 4. Whitehall Road is predominantly terraces of dwellings. There are garages and outbuildings to the rear of some of the dwellings with associated rear passages which the Council point out are typical of the rear areas. The properties in Northfields are mainly detached. Overall the area contains a mix of dwelling sizes and materials. There would be space around the pair of dwellings to the front and sides. This would provide some setting to the building and serve to lessen its impact in the street scene.
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5. I understand that the Council consider the roof form of the building to have no reference to the locality. The National Planning Policy Framework (the Framework) is clear that *'Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles'*. In this case the dwelling would be well proportioned and constructed from materials that would be complementary to the locality. Therefore I do not consider that the roof design proposed would be a poor design or unduly prominent within the area.
6. I therefore conclude that the proposal would not harm the character and appearance of the area. It would not be in conflict with policies PMD1, PMD2 and CSTP22 of the Core Strategy (CS) in so far as they seek high quality design that contributes positively to townscape or the Framework.

Living conditions

7. The new dwellings would be located to the south of the garden area of No 30. The plans show that the part of the building closest to the common boundary with No 30 would be part single and part two storey. It would also be set away from the common boundary with parking and garden space for one of the new dwellings intervening. These factors would serve to lessen any impacts.
8. The appellant has submitted a daylight and sunlight report. This considered the daylight and sunlight that would be enjoyed by neighbouring buildings if the development went ahead. In particular it considered the impact on windows and 'amenity areas'. The results of the 'Sun on Ground analysis' identifies that, if the development went ahead, the change to the rear garden area of No 30 would not be significant. In particular it would not be of the magnitude that the Council estimate within the officer report.
9. I therefore conclude that the proposal would not have a harmful effect on the living conditions of existing occupiers, with particular regard to daylight and sunlight and the garden area of No 30 Whitehall. It would not be in conflict with CS policy PMD1 which amongst other things seeks to protect the amenity of neighbouring occupants and the Framework which seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Other matters

10. I have carefully considered the additional matters raised by interested parties, in particular issues regarding access, parking and privacy. There were no technical objections raised to the vehicular access arrangements or the level of parking. I have no reason to disagree. With regard to privacy the officer's report identifies that the scheme *'...would comply with Council minimum standards with regards to overlooking distances'*. Therefore I have no substantive evidence that the new dwellings would result in loss of privacy to the occupiers of existing dwellings.

Conditions

11. The Council has suggested a number of conditions which it considers would be appropriate were I minded to allow the appeal. I have considered these in the light of the relevant tests at paragraph 206 of the Framework and where necessary amended them.

12. Conditions relating to commencement and plan numbers are necessary for the avoidance of doubt and in the interest of proper planning. In the interests of the character and appearance of the area a condition requiring material samples to be submitted is also reasonable and necessary. In the interests of highway safety conditions would be necessary that secure the detail of the access, parking layout and associated visibility. In the interests of the living conditions of the existing occupiers of nearby dwellings conditions relating to construction management of the new building and the management of demolition would be necessary in this case.
13. The Council's conditions submission refers to the need for a unilateral undertaking in relation car parking permits. I do not have an agreement before me or any justification for such in the form of relevant policy. In addition it is not one of the determining issues in the appeal. As such I have not taken this into account in reaching my decision.

Conclusion

14. For the above reasons and having regard to all other matters raised I conclude that the appeal should be allowed.

D J Board

INSPECTOR

Annex A – Conditions

- 1) The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; 01; 02A; 03; Block Plan.
- 3) Notwithstanding the information on the approved plans, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 4) Details shall be submitted showing the layout, dimensions and construction specification of the proposed access from the highway to the site and around the extents of the site, such details shall be approved and implemented on site to the satisfaction of the Local Planning Authority before commencement of the development hereby permitted. Once implemented, the newly surfaced area shall be practically maintained by the applicant until the development completed with any defects or damage being rectified to the satisfaction of the Planning Authority
- 5) Prior to occupation of the dwellings hereby approved, clear to ground level sight splays of 1.5 metres x 1.5 metres from the back of the access way shall be laid out either side of the proposed parking space within the site and maintained at all times.
- 6) The car parking spaces shown on the plans accompanying the application shall be delineated on site with a minimum dimension of 2.5m by 5m and shall be made available only for use in connection with the permitted use. In particular, no part of the parking area shall be isolated (by way of lockable bollards or other means) to restrict its use in any way, with one parking space shall be allocated per dwelling.
- 7) Prior to the commencement of demolition, remediation or development, a Construction Environment Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The CEMP shall include, but not limited to, details of: (a) Hours and duration of works on site (b) Measures to control detritus being tracked onto the highway (c) Details of construction access (d) Details of temporary hard standing (e) Details of temporary hoarding (f) Water management including waste water and surface water drainage (g) Road condition surveys before demolition and after construction of the access way is completed; with assurances that any degradation of existing surfaces will be remediated as part of the development proposals. Extents of road condition surveys to be agreed as part of this CEMP (h) Details of method to control wind-blown dust. All works and development shall be carried out in accordance with the approved CEMP and the measures contained therein.
- 8) No demolition or construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public

Holiday, nor on any other day except between the following times: Monday to Friday 0800 – 1800 hours; Saturdays 0800 – 1300 hours. No bonfires shall be permitted during the construction of the development.

- 9) Prior to the commencement of development which, for the purposes of this condition includes the demolition of the existing buildings or parts thereof, a scheme for the suppression of dust during the demolition and construction of the development shall be submitted to and approved in writing by the local planning authority. The agreed scheme shall be employed throughout the period of demolition and construction unless otherwise agreed in writing by the local planning authority.