
Appeal Decision

Site visit made on 2 August 2017

by Mr K L Williams BA, MA, MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/M1595/C/16/3164184

Land at 13 Thames Close, Corringham, Essex, SS17 7HX

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr S Poskitt against an enforcement notice issued by Thurrock Borough Council.
- The enforcement notice was issued on 10 November 2016.
- The breach of planning control as alleged in the notice is the construction of a part two-storey part single-storey rear extension to the dwellinghouse on the Land.
- The requirements of the notice are to:
 - (i) Remove second storey as indicated shaded blue on plan 2 (rear elevation) and plan 3 (side elevation) attached to the notice and reduce to single storey only. A roof height of 2.6 metres is acceptable to the Council for a dwelling in this location, in accordance with the Council's relevant planning policies; and,
 - (ii) Remove all resultant materials arising from steps (i) above from the Land.
- The period for compliance with the requirements is 3 months.
- The appeal is proceeding on the grounds set out in section 174(2) (a), (f) and (g) of the Town and Country Planning Act 1990 as amended. The application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be determined.

Summary of Decision: The appeal succeeds. Planning permission is granted subject to the condition set out in the Formal Decision and the enforcement notice is corrected and quashed.

The Enforcement Notice

1. Section 173(3) of the Act as amended requires that a notice sets out the steps which a Council requires to be taken. The second sentence of requirement (i) is not a requirement but instead sets out part of the Council's reasoning. Its inclusion in this part of the notice is not necessary or appropriate. The notice can be corrected to address this matter as set out in the Formal Decision without prejudice to the main parties.

The Appeal on Ground (a) and the Deemed Planning Application

Main issue

2. The appeal on ground (a) and the deemed planning application concern the development as built. The main issue is the effect of the rear extension on the character and appearance of the area.

The effect on the character and appearance of the area

3. No.13 is a semi-detached house occupying a corner plot within a cul-de-sac of houses of similar design. The two-storey element of the rear extension which is the subject of the appeal has a gabled roof and extends along most of the rear elevation. The single storey, flat roofed element of the extension is nearer the boundary with the neighbouring house, no.11. The maximum dimensions of the extension are 8 metres in width, 3 metres in depth and 6.3 metres in height. Prior to the construction of the appeal extension, a flat roofed dormer window had been installed. It extends along the original rear roof slope of the house.
4. The development which is the subject of this appeal is limited to the rear extension and does not encompass the pre-existing rear dormer window. The rear extension does not figure prominently in the street scene of Thames Close, which is primarily composed of the front elevations of the houses and their front gardens. The two-storey element of the extension is seen from public viewpoints along much of the length of a footpath which runs down the side of the plot of no.13. It provides a pedestrian link between Thames Close and The Geerings. There are more limited or distant views from other public vantage points, including between properties on part of Springhouse Road. The extension is also seen from some nearby properties. The single-storey element of the extension is not apparent in public viewpoints. There is a good degree of design variety in the local area, including varied roof shapes. There are, for example, two-storey rear and side extensions, two storey side extensions and large, flat roofed dormer windows.
5. The appeal extension repeats the gabled form of the original house. It is a significant addition. However, as a result of its limited scale and lower ridge height it retains a degree of subservience to the main part of the house. The materials on the side elevations of both the extension and the original house appear unfinished. Appropriate materials could however be facilitated by an appropriate condition and would assist in integrating the extension with the main part of the house. No.13 sits on a sizeable plot and there are sufficient distances between the extension and the plot boundaries to avoid a cramped appearance. Other than when seen from a short length of the footpath near to the house, the extension is not particularly prominent from public viewpoints. Even from here it does not appear unduly bulky when considered in the context of other extensions nearby. Seen from elsewhere it appears as an incidental feature in a residential area which has some variety in design and character. Indeed, seen from some viewpoints it has the incidental but fortunate effect of reducing views of the flat roofed dormer window. The dormer is an ungainly addition which has vitiated the symmetry of the original roof. I conclude that, having regard to the character of the existing building and the varied character of its surroundings, the rear extension does not result in material harm to the character and appearance of the surrounding area.
6. The development would not conflict with policies PMD2 and CSTP22 of the Council's Core Strategy (CS) (2011, updated in 2015). They seek a high standard of design that responds positively to the local context. The Council also refers to Annexe A1.1 of its Local Plan (1997). It sets general principles and requirements with regard to extensions. It says that *"on dwellings with pitched roofs, all side and rear extensions must have a pitched roof over them to match and/or tie into the existing roof, unless there is some physical reason why this cannot be achieved."* In this case the extension does, for the most

part, have a pitched roof, albeit not of precisely the same pitch as the original roof. Criterion (d) is also cited by the Council but it sets out requirements in respect of dormer windows rather the form of development at issue in this appeal.

Other matters

7. The enhancement of family accommodation at ground and first floor levels which is provided by the extension weighs in the appellant's favour. The Council refers to a detrimental effect on the amenities of the adjacent occupiers. However, this appears to allude only to the effect of the character and design of the extension, which I have addressed above within the scope of the main issue. No.15 Thames Close is reasonably well separated from the appeal property whereas no.11 is the semi-detached neighbour of no.13. The rear extension can be seen from both properties. Nevertheless, having regard to the siting of the extension, to its height and the limited extent of its rearward projection, the effect is not overbearing. Nor is there material harm to residential amenity in other respects. The development does not conflict with CS policy PMD1. Amongst other things this policy does not permit development which would cause unacceptable effects on the amenity of neighbouring occupants.

Conditions

8. The development is in place so that a commencement condition is not required. The deemed planning application is for the development as built, so that a condition specifying plans from an earlier planning application is not needed. A retrospective condition concerning materials is required to protect the character and appearance of the area.

Overall Conclusions

9. Having regard to the above and to all other matters raised the appeal should succeed. Planning permission should be granted subject to the condition set out in the Formal Decision. Consideration of the other grounds of appeal is therefore not required. The enforcement notice should be corrected and quashed

Formal Decision

10. I direct that the enforcement notice be corrected at paragraph 5(i) by the deletion of the words "A roof height of 2.6 metres is acceptable to the Council for a dwelling in this location, in accordance with the relevant planning policies"
11. I allow the appeal, quash the enforcement notice as corrected and grant planning permission on the application for planning permission deemed to have been made under section 177(5) of the Act as amended for the development already in place, that being the construction of a part two-storey, part single-storey rear extension on Land at 13 Thames Close, Corringham, Essex, SS17 7HX subject to the following condition:
 - 1) The building operations hereby permitted shall be reduced to a single storey and all materials resulting from that reduction shall be removed from the land within 3 months of the date of failure to meet any one of the requirements set out in i) to iv) below:

- i) Within 3 months of the date of this decision a scheme with details of the materials to be used on the external surfaces of the part two-storey, part single-storey extension shall have been submitted for the written approval of the local planning authority and the scheme shall include a timetable for its implementation.
- ii) If within 10 months of the date of this decision the local planning authority refuse to approve the scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of ii) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.
- iv) The approved scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved scheme that scheme shall thereafter be retained.

K Williams

INSPECTOR