
Appeal Decision

Site visit made on 15 August 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 1 September 2017

Appeal Ref: APP/M1595/W/17/3172190

Church Hall, Rigby Gardens, Chadwell St Mary RM16 4JJ

- 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 Viewfayre Ltd (Mr Joe Shack) against the decision of Thurrock Borough Council.
 - The application Ref 16/00593/FUL, dated 18 April 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the demolition of the existing pre-fabricated concrete church hall and the construction of 4 three bedroom and 2 two bedroom houses with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the existing building on the site is required to meet local need for community facilities;
 - the effect of the proposal on the character and appearance of the area.

Reasons

Community Facilities

3. The appeal site accommodates a vacant building which was used as a children's activity centre until May 2016. The appellant says that the building has not been used as a church hall for some 30 years. However, there is nothing to suggest that it is not in Class D1 use and, therefore, potentially suitable for community facilities. Policy CST10 of the Council's Core Strategy and Policies for Management of Development 2015 (CS) states that existing community facilities will be safeguarded and that their loss will be allowed only where appropriate facilities are provided as part of the proposed development. The appeal proposal does not include the provision of replacement community facilities. The proposal would, therefore, conflict with Policy CST10. Section 38(6) of the 2004¹ Act requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise.

¹ Planning and Compulsory Purchase Act 2004

4. National Planning Policy Framework (the Framework) paragraph 70 seeks to guard against the unnecessary loss of valued facilities, particularly where this would reduce the ability of the community to meet its day to day needs.
5. The appellant has drawn my attention to other community facilities at Chadwell Village Hall, the Masonic Lodge and Marisco Hall. The latter is a community hall constructed within the last 15 years. However, neither party has sought to assess the capacity of such facilities in relation to community needs, as required by Framework paragraph 70. Rather the evidence concentrates on whether or not the building has been adequately marketed as a community facility. Whilst this is not a specific requirement of development plan or national policy, I recognise that it could provide an indication of local demand.
6. The appellant argues that the property has been marketed for a period of 22 months and no offers to re-use the building were forthcoming. However, the available evidence (Porter Glennie marketing details and letter dated 16 September 2016) only demonstrates that the site was offered for sale by sealed tender at a particular point in time. Moreover, the marketing details suggested that the site has potential for residential development. There is no evidence to show how long the property was on the market, what efforts were made to promote the site for the existing Class D1 use or to target the marketing towards potential Class D1 occupiers.
7. In the absence of this information, or any systematic assessment of the need for community facilities locally, it has not been adequately demonstrated that the existing building is not required to meet local need for such facilities.
8. The appellant has submitted an Asbestos Refurbishment/Demolition Survey² which finds that asbestos is present in various parts of the building and recommends that it should be removed. A Viability Review³ has also been submitted which proceeds from the contention that the building is nearing the end of its economic life and would require replacement or significant expenditure to allow it to be let. The basis for contention is the Asbestos Survey and unspecified structural movement in the building. However, the Asbestos Survey does not recommend the demolition of the building and I have not been made aware of any structural report on the extent and consequences of any structural movement. Moreover, the Viability Review does not provide an appraisal of the viability of repairing the building.
9. Therefore, I consider that the available information does not satisfactorily establish that repair and re-use of the building for Class D1 use would be unviable. The appellant has cited three application references which are considered to show that the Council has granted permission for residential development of community facilities which were found to be unviable. However, I have not been provided with the circumstances of those decisions and, as such, can afford them limited weight.
10. Taking this finding together with my conclusion on the marketing exercise and the lack of an assessment of the need for community facilities in the area, I consider that other considerations do not weigh the proposal's conflict with CS Policy CST10.

² Rothercroft Project No R1109/02

³ Glennie LLP dated 22 February 2017

Character and Appearance

11. The appeal site is located towards the end of a cul de sac comprising semi-detached and terraced two storey residential dwellings. The general scale and form of the proposed dwellings would be consistent with this pattern of development. In contrast to the existing off street car parking, which is generally provided on front or side driveways, the proposed car parking would be grouped in the area between the two blocks of proposed dwellings. This is a departure from the parking arrangements nearby. However, application site layout plan (drawing number 1209/01 Rev P1) shows the opportunity for planting at the entrance to the parking area and between some of the bays. This would filter external views to the parking area and soften its visual impact. Had I been minded to allow the appeal, a condition could have been used to require further details, implementation and maintenance of the planting. A condition could also have been used to secure high quality surfacing of the parking area.
12. The application site layout plan shows bin storage facilities at the fronts of the dwellings. These facilities would have the potential to be unsightly and detract from the appearance of the development and the surrounding area. However, with the possible exception of the mid-terraced plots 4 and 5, I see no reason why the bin storage facilities could not be re-positioned to the side or rear of the proposed dwellings. Plots 4 and 5 would be set back from the flanking plots 3 and 6 and this would allow the bin stores for those plots to be positioned relatively discreetly. Designed appropriately, I consider that they would not be unsightly. Again, had I been minded to allow the appeal, these matters could have been secured by condition.
13. There is no substantive evidence to show that the proposal would be deficient with regard to the amount of car parking proposed, the internal or external space standards of the proposed dwellings or other possible indicators of overdevelopment. Therefore, I find that the proposal would not be detrimental to the character and appearance of the area. As such, it would not conflict with CS Policy PMD2 insofar as it requires development to contribute positively to the character of the area in which it is proposed and to surrounding areas that may be affected by it.
14. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Planning Balance and Conclusion

15. The proposal would create seven additional dwellings on previously developed land. As such, it derives support from Framework paragraph 47 which seeks to boost the supply of housing. However, the amount of new housing would be modest and there is nothing to suggest that the Council cannot demonstrate a five year supply of housing land. The benefit of the additional housing proposed does not, therefore, outweigh the conflict with relevant development plan and national planning policies for the retention of community facilities. For that reason, the appeal should be dismissed.

Simon Warder

INSPECTOR