



Appeal Decision

Site visit made on 24 September 2019

by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2019

Appeal Ref: APP/M1595/W/19/3233216

237 Branksome Avenue, Stanford-le-Hope, Essex SS17 8DF

- 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 Mrs Alison Philbrick against the decision of Thurrock Borough Council.
 - The application Ref 19/00178/FUL, dated 4 February 2019, was refused by notice dated 14 May 2019.
 - The development proposed is a two-storey detached dwellinghouse.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal submissions, amended plans have been submitted by the Appellant. These plans include an alternative siting of the dwelling further away from the road and changes to the external appearance of the proposed dwelling.
3. The 'Procedural Guide – Planning Appeals – England' advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal they should normally make a fresh planning application (Annexe M.1.1). If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought (Annexe M.2.1).
4. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur.
5. Whilst the changes to the appearance of the dwelling would not cause any prejudice should I accept them, I am not convinced that the same could be said in relation to the alternative siting of the dwelling. This is particularly the case in relation to the occupiers of the adjoining property, 233 Branksome Avenue.
6. Consequently, taking the above into account, I have determined the appeal on the basis of the revised elevational treatment, but not the amended siting of the dwelling. In this respect I have considered the siting of the dwelling as per the Council's determination of the application.

Main Issues

7. The main issues are the effect of the development on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

8. The appeal site is located in a residential area which has a wide variety of differing property styles and designs. There are examples of spacious and intensively developed plots, including in the immediate vicinity of the appeal site. The site itself currently contains a bungalow with a half-hipped roof including accommodation within its roofspace. It is also set in a large plot with undeveloped space either side of it.
9. The Council have indicated that they have a fundamental, in principle, objection to the subdivision of the plot to form an additional dwelling citing Annex 9 of the 1997 Local Plan which recognises that the character of The Homesteads changed owing to extensive infilling and subdivision of large private gardens in the 1960s to the 1980s. It also indicates it is important to retain the remaining original character of the area.
10. From my site visit it was evident that the character of this part of The Homesteads is now very much defined by the development which occurred during the above period, particularly on the north side of Branksome Avenue. That said, to the east of the appeal site, there are some larger plots on the north side of the road.
11. Notwithstanding that, and the provisions of Annex 9, to my mind the overall acceptability of the development turns on the design merits of the proposal and how it fits in with the existing development in the area.
12. The plot for the new dwelling is not too dissimilar in width to many of the plots in the vicinity of the site, including the adjoining property No 233. However, in contrast to the extended semi-detached dwelling at No 233 which fills the entire width of the plot, the appeal property would be a detached dwelling. The effect of this is that the width of the building itself would be narrower and this gives the impression of a new dwelling being squeezed into the available space which would not be the case if it were a semi-detached property.
13. In coming to that view, I acknowledge that part of the feeling of a cramped form of development is owing to the fact that No 233 has been extended to its side boundary with the appeal site, even though the walls of the new dwelling would be around one metre from each side boundary.
14. This cramped feeling is further emphasized by the design of the roof which would be significantly different to other properties in the area and as a result would draw attention to the development. In coming to that view, I acknowledge that the design of the property is not objectionable in principle. However, the context to which it would sit would result in a development which would be incongruous.
15. I also acknowledge that there are other contemporary dwellings in the area, including Cedar Lodge on Fourth Avenue. However, the design and streetscene context of that property is materially different to the proposal before me.

16. For the above reasons the development would harm the character and appearance of the area and would conflict with Policies PMD2, CSTP22 and CSTP23 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015) (CS) which amongst other matters seek to promote high quality design which has a positive response to the local context and should manage and enhance the character of Thurrock. It would also be at odds with the design aims of the National Planning Policy Framework (the Framework).

Highway safety

17. The appeal site is located almost opposite the junction of Fourth Avenue with Branksome Avenue. There is also a street name sign and a telegraph pole across the site frontage.
18. The appeal proposal includes three parking spaces to the property frontage and the Council have raised no objection to the level of parking provision. The Councils concern stems from their view that it has not been demonstrated that a safe access to these spaces could be achieved. However, it has not given any specific details of their concerns.
19. Whilst the access point is broadly opposite the Fourth Avenue junction, I am conscious that this is also an existing situation as there is an access to the existing property in this location.
20. Therefore, the Councils concern appears to be in relation to the position of the telegraph pole and the street name sign. To my mind, if this is the case, then these matters could be easily addressed through a suitably worded planning condition to secure the relocation of these pieces of street furniture.
21. That said, from the evidence before me, I am not convinced that there is a need for three parking spaces to serve the new dwelling. From the plans considered by the Council and what I observed on site, it would be possible to access two parking spaces safely without moving the telegraph pole or street name sign. With that in mind, a revised parking layout could be secured by planning condition.
22. Taking both of these scenarios into account, I am of the view that it would be possible to access the parking spaces in a safe manner and there would not be an unacceptable impact on highway safety.
23. For the above reasons the proposal would not result in an unacceptable harm to highway safety and would accord with Policy PMD9 of the CS which amongst other matters seeks to ensure that road safety is not prejudiced. It would also accord with the transportation aims of the Framework.

Other matters

24. The Appellant has outlined specific health matters in support of the new dwelling, including the locational factors and the need for accessible accommodation. I have also had regard to the Appellants comments in relation to the numbering of properties and the original intention for two dwellings to be on this plot, the screening of the extension at No 233, and the possible way of extending the existing bungalow.

25. In addition to the above, my attention has been drawn to three other planning permissions in the area including an appeal decision on Central Avenue, 186 Branksome Avenue, and a scheme for 18 dwellings also on Branksome Avenue¹. Whilst all of these decisions support the provision of new dwellings in this area, none of these schemes are similar to the current appeal development in respect of the harm I have found. I therefore can only give them limited weight.

Planning balance

26. The Framework indicates that planning decisions should apply a presumption of sustainable development. For decision taking, where Development Plan policies which are the most important for determining the application are out of date², permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
27. The Appellant has set out that the Council cannot demonstrate a deliverable five year supply of housing and indicated that the 'tilted balance' set out at paragraph 11d) of the Framework should apply. The Council have not disputed this claim and I have no reason to disagree with the Appellants position in this regard.
28. In this case, I have found that the proposal would harm the character and appearance of the area and would be contrary to both the relevant Development Plan policies and the Framework. To my mind, this weighs heavily against allowing the proposed development.
29. I have also had regard to the personal circumstances put forward by the Appellant and that the proposal would provide a much needed additional dwelling. The development would also bring some minor economic benefits through the construction process. These matters are all clearly in favour of the proposed development.
30. However, the provision of an additional dwelling would be unlikely to have any significant effect in reducing the deficit to the housing land supply in Thurrock.
31. Taking all of the above into account, I consider that the harm identified significantly and demonstrably outweighs the minor benefits when assessed against the policies in the Framework when taken as a whole. The proposal cannot therefore be considered to be sustainable development.

Conclusion

32. Taking all matters into consideration, I conclude that the appeal should be dismissed.

Chris Forrett

INSPECTOR

¹ References APP/M1595/A/13/2194618, 15/00568/FUL and 15/00864/FUL respectively.

² Footnote 7 includes situations where the local planning authority cannot demonstrate five year supply of deliverable housing sites.