
Appeal Decision

Site visit made on 8 October 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 October 2019

Appeal Ref: APP/M1595/W/19/3233310

36 Caldwell Road, Stanford Le Hope, Essex SS17 0LP

- 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 Marie Taffe against the decision of Thurrock Borough Council.
 - The application Ref 19/00345/FUL, dated 5 March 2019, was refused by notice dated 3 May 2019.
 - The development proposed is a new dwellinghouse.
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Decision

1. The appeal is allowed and planning permission is granted for a new dwellinghouse at 36 Caldwell Road, Stanford Le Hope, Essex SS17 0LP in accordance with the terms of the application, Ref 19/00345/FUL, dated 5 March 2019, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PGF/01; PFF/02; PFE/03; PRE/04; PSE(LHS)/05; PSE(RHS)/06; SLP1:1250S; PSLP1:500S; and PSS1:50S.
 - 3) No construction works above damp-proof course level shall commence until details of the materials to be used for the external finishes of the dwelling hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out only in accordance with the approved materials.
 - 4) Demolition or construction works shall take place only between 0800-1800 on Monday to Friday and 0800-1300 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.

Preliminary Matter

2. I have used the description of development shown on the planning application form in the banner heading and the decision because it is more concise than the description shown on the Council's decision notice.

Main Issues

3. The main issues are the effect of the proposed development on (i) the character and appearance of the area, and (ii) the living conditions of the

occupiers of No 75 Kingsman Road, with particular regard to the outlook from the garden of the neighbouring property.

Reasons

Character and appearance

4. The appeal site is located in an established residential area, which predominantly consists of 2 storey dwellings. The properties in the vicinity of the appeal site are quite simple in appearance and are generally designed with pitched roofs and side gables. There is some variation in the spacing of buildings in the street scene, however nearby dwellings are generally separated by a gap of around 2 metres.
5. The proposed dwelling would have a pitched roof and gabled side elevations, which would reflect the roof form of neighbouring dwellings. The proposed dwelling would maintain a gap of approximately 1 metre to the side elevation of No 36 Caldwell Road. Whilst this would be slightly less than the typical spacing of buildings in the street scene, the setting back of the upper floor of the proposed dwelling in relation to No 36 and its position at the end of a row of houses would ensure that the proposed dwelling would not appear cramped or erode the spaciousness of the area.
6. For these reasons, I conclude that the proposed development would not be harmful to the character and appearance of the area. The proposal would therefore comply with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) 2015 and Chapter 12 of the National Planning Policy Framework, which, amongst other things, requires all design proposals to respond to the sensitivity of the site and its surroundings.

Living conditions

7. No 75 Kingsman Road has a larger garden than most properties in the area due to its position on a corner plot. The neighbouring garden has a triangular shape which is at its widest where it adjoins the boundary with the appeal site. Whilst the side wall of the proposed dwelling would adjoin the boundary with No 75, it would occupy a small proportion of the length of the shared boundary. The side wall of the proposed dwelling would also maintain a sizeable gap of around 14 metres to the single storey rear extension of the neighbouring property. Taking these factors into account, I find that the proposed development would not appear overbearing and therefore would not be harmful to the outlook from the rear garden for the occupiers of No 75.
8. For the above reasons, I conclude that the proposed development would not be harmful to the living conditions of the occupiers of No 75 Kingsman Road. The proposal would therefore comply with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) 2015, which, amongst other things, states that development will not be permitted where it would cause unacceptable effects on the amenity of others. It would also accord with paragraph 127 of the National Planning Policy Framework, which states that developments should provide a high standard of amenity for existing and future users.

Conditions

9. The Council has suggested 5 conditions which I have considered against the guidance in the Planning Practice Guidance and amended where necessary. In addition to the standard time limit condition, I have imposed a condition requiring the development to be carried out in accordance with the approved plans as this provides certainty.
10. A condition requiring details of the materials to be used for the external finishes of the proposed dwelling to be submitted to and approved by the Council is necessary in the interests of the character and appearance of the area.
11. A condition restricting the hours of construction is necessary to protect the living conditions of the occupiers of neighbouring properties during construction works.
12. The Council has requested a condition to remove permitted development rights under Schedule 2 Part 1 Classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) in the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings. Paragraph 53 of the National Planning Policy Framework states that planning conditions should not be used to restrict national permitted development rights unless there is clear justification for doing so. I have been presented with no such clear justification to remove permitted development rights and so I have not imposed the requested condition.

Conclusion

13. For the reasons given above, and having had regard to all matters raised, I conclude that the appeal should be allowed.

C Osgathorp

INSPECTOR