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## Appeal Decision

Site visit made on 10 October 2019

**by Christopher Miell MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 7<sup>th</sup> November 2019**

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**Appeal Ref: APP/M1595/W/19/3233522**

**253 Princess Margaret Road, East Tilbury RM18 8SB**

- 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 Miss Paige Harris (Persimmon Homes Essex) against the decision of Thurrock Borough Council.
  - The application Ref 18/01533/FUL, dated 12 October 2018, was refused by notice dated 25 January 2019.
  - The development proposed is described as 'The demolition of no.253 Princess Margaret Road, formation of an emergency, pedestrian and cycle access together with the erection of three terraced houses at Bata Field, East Tilbury'.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The applicant name changed during the course of the planning application from Mr Matthew Parsons to Miss Paige Harris, both of Persimmon Homes Essex. The appeal has been submitted by Miss Paige Harris. I have dealt with the appeal on that basis.
3. The National Planning Policy Framework was revised in February 2019 (the Framework). I have taken the Framework into account as part of the determination of this appeal.

### Main Issues

4. The main issues are:
  - the effect of the development on the character and appearance of the area; and
  - whether the development would create a safe and secure environment.

### Reasons

#### *Character and appearance*

5. The appeal site is occupied by a two-storey detached dwelling on the western side of Princess Margaret Road. The site forms part of an approved residential development at 'Bata Field', which consists of 299 dwellings to the rear of Princess Margaret Road. The development is nearing completion and is known as 'The Boulevards'.

6. The approved outline planning permission<sup>1</sup> includes the demolition of No 253 Princess Margaret Road and the formation of an emergency vehicle, pedestrian and cycle access from Princess Margaret Road. The access road is sited in a central position with soft landscaping either side and would provide a link to and from the Boulevards development.
7. It is proposed to demolish the existing dwelling and form an emergency vehicle, pedestrian and cycle access leading to / from the Boulevards development to Princess Margaret Road, together with the erection of a row of three terraced properties at the rear of the site. The access would be sited near to the northern boundary and there would be a landscaped area between the new dwellings and Princess Margaret Road. The dwellings would be of a similar design and appearance to the adjacent properties on Sandpiper Close, which form part of the Boulevard development. Plot 1 would feature a bay window to the flank elevation which would overlook the adjacent access.
8. The surrounding area has a suburban residential character and the properties on Princess Margaret Road are predominately semi-detached dwellings of a homogeneous design with simple hipped roof forms. The properties are set back from the highway in a linear pattern of development, consistently spaced and follow a clear building line, which contributes positively to the local distinctiveness of the area.
9. The dwellings along Sandpiper Close are laid out in a manner which respects the consistent spacing of the properties on Princess Margaret Road. The flank elevations of the properties on Sandpiper Close, broadly align with those of the properties on Princess Margaret Road. Consequently, the new development integrates well with its surroundings and does not compete with the block form of the houses along Princess Margaret Road.
10. The proposed terrace would protrude significantly beyond the north flank elevation of No 251 Princess Margaret Road and the two-storey rear elevation of the proposed terrace would be readily visible from the street. This deviation from the prevailing pattern of development would be at odds with the character and appearance of the area. As such, the proposed dwellings would be an incongruous and unduly prominent form of development when viewed from Princess Margaret Road, which would cause significant harm to the character and appearance of the area.
11. The appellant contends that views of the rear of the proposed terrace from Princess Margaret Road would be limited due to the distance of the dwellings from the street and the introduction of trees, shrubs and planting between the dwellings and the roadside. Whilst I acknowledge that the distance between the street and the rear elevation of the terrace would be sizable at about fifty metres, due to the overall bulk, scale and mass of the proposed terrace, I consider that it would be readily visible from the street.
12. In terms of landscaping, I note that the proposed landscaping plan shows that three white flowering cherry trees would be planted near to the rear boundary of the dwellings, which would have a mature height of about seven metres. However, it is unclear as to how long it would take for the trees to mature and whether they would provide an appropriate degree of screening, especially during the winter months when the trees would likely be bare. In any event,

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<sup>1</sup> Council Ref: 09/50045/TTGOUT

the introduction of such screening would not outweigh the concerns set out above in relation to the proposal's deviation from the prevailing pattern of development in the local area.

13. The appellant has drawn my attention to the approved site plan in respect of the initial reserved matters application<sup>2</sup>, which shows that plot number 46 would extend beyond the north flank elevation of No 251. Whilst this may be the case, the level of protrusion shown on the approved plan is considerably less than the proposed terrace. As such, the approved layout is not comparable to the current proposal. In any event, I note that the approved reserved matters layout was altered in 2016<sup>3</sup> and that plot number 46 was shifted further to the south, which reduced the extent to which the property extends beyond the north flank elevation of No 251. The revised layout reflects what has been built at the site. As such, I have afforded this matter limited weight in the overall planning balance.
14. The appellant refers to a double garage within the rear garden of No 253, which would be demolished as part of the proposal, and argues that as it is an existing structure, which is closer to Princess Margaret Road than the proposed terrace, that the proposal would have less of an impact on the street, than that of the existing structure. The existing garage is considerably smaller than the proposed terrace and does not appear as a prominent feature when viewed from the street. As such, I have afforded the presence of an existing structure in this location limited weight in the overall planning balance.
15. For the collective reasons above, I conclude that the proposed development would cause significant and demonstrable harm to the character and appearance of the area. As such, the proposal would not accord with Policies PMD2, CSTP22 and CSTP23 of the adopted Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (January 2015) (the CS), insofar as they collectively require new development to contribute positively to the character and appearance of the area through high quality design. In addition, the proposal would be inconsistent with the aims of paragraph 127(c) of the Framework, which requires development to be sympathetic to the local character.

#### *Safe and secure environment*

16. The Council argue that the proposal would create an open landscape space adjacent to the proposed access, which would fail to create a safe or a secure environment. The Officer Report states that the proposal fails to demonstrate how it has been designed to deal with inadvertent uses from littering and anti-social behaviour. In addition, concerns are raised about how the area would be managed and maintained.
17. The landscaped area and access road would be overlooked by the first-floor windows on the rear elevation of the proposed terrace and the bay window on the flank elevation of Plot 1. In addition, pedestrians and cyclists using the access road and passing by on Princess Margaret Road would have clear views into the landscaped area. These factors would create a high level of natural surveillance of the landscaped area, which would deter crime and anti-social behaviour from occurring.

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<sup>2</sup> 14/00646/REM

<sup>3</sup> 16/00009/CV

18. In terms of management and maintenance of the landscaped area, I note that condition No 35 of the outline planning permission requires the submission of a management plan to describe the proposals for the management and maintenance of the play areas, areas of public open space and those shared areas not to be maintained by the Local Highway Authority including the emergency access route. If I were minded to allow the appeal, I see no reason why such a condition could not be imposed in respect of the current proposal.
19. For the reasons given above, I conclude that the design of the proposal would create a safe and secure environment. As such, the proposal would accord with Policies PMD1 and PMD2 of the CS, insofar as they collectively require new development to create a safe and secure environment and reduce the scope and fear of crime for future occupiers of the site and others. In addition, the proposal would be consistent with the aims of paragraphs 91(b) and 127(f) of the Framework, which seek to achieve safe development, where the fear of crime does not undermine the quality of life.

### **Planning Balance**

20. The appellant has drawn my attention to the Thurrock Local Plan Five Year Housing Land Supply Position Statement. The document assesses the Council's five-year land supply position as of July 2016 and concludes that the Council are unable to demonstrate a five-year supply of deliverable housing sites as required by the Framework. Whilst I do not dispute the findings of the Council's report, due to the length of time which has passed since the calculations were undertaken, it is unclear as to whether the findings are representative of the Council's current five-year land supply position.
21. The provision of three dwellings would make a positive contribution to the Council's housing land supply which weighs in favour of the proposal, albeit that the contribution would be limited due to the quantum of development proposed. There would also be some limited benefits to the construction industry and from the spend of future occupiers.
22. Even if I were to accept the appellant's argument that the Council is unable to demonstrate a five-year supply of deliverable housing sites and the shortage is along the lines identified by the Council's report; the significant harm to the character and appearance of the area, which would be an adverse impact of the development at odds with the development plan and the Framework, would significantly and demonstrably outweigh its limited benefits, when assessed against the policies in the Framework taken as a whole. Accordingly, this is not a point that suggests the appeal should be determined other than in accordance with the development plan.

### **Other Matters**

23. The appeal site is situated adjacent to the East Tilbury Conservation Area (CA). The Council's Historic Buildings and Conservation Area Advisor raised no objection in relation to the impact of the development upon the setting of the CA. Based on the evidence before me, I have no reason to disagree with the Council in respect of this matter. However, this is a matter of neutral consequence in the overall planning balance.
24. I acknowledge that the proposed uses parameter plan (dwg no: 598\_07\_004 PL3), which was approved as part of the outline planning permission, indicates

the principal land use of the appeal site would be 'residential and public realm'. In addition, I note that the rearward part of the appeal site is included within the Housing Allocation for the Bata Field site, as set out within Policies CSSP1 and CSTP1 of the CS. Notwithstanding that some form of development may or may not be acceptable at the appeal site, in this instance, I have found the proposal would cause significant and demonstrable harm to the character and appearance of the area.

25. I note that the Framework states at paragraph 117 that policies and decisions should promote an effective use of land in meeting the need for homes and other uses. In addition, the Framework states at paragraph 118 that substantial weight should be given to the value of using suitable brownfield land for homes. However, all developments, including housing proposals, must also comply with the provisions of the development plan in all other respects.
26. The appellant contends that the design of the landscaped area would provide a more aesthetically pleasing experience for both the users of the access and those passing along Princess Margaret Road, when compared to the approved development. Even if this were the case, such positive benefits, are not of significant magnitude to outweigh my conclusion on the main issues.
27. The parties agree that there is a need for the development to contribute towards the mitigation of potential impacts on the Essex Coast Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsars sites. The appellant has suggested a condition to ensure that such mitigation would be secured should I be minded to allow the appeal. The Council argue that the condition would not be appropriate and would fail to meet the appropriate tests. Nevertheless, as I have concluded that the proposed development would conflict with other development plan policies, I have not completed an appropriate assessment. However, given my findings on the main issues, this is not a matter I need to address.

## **Conclusion**

28. The proposed development would create a safe and secure environment, but this would be outweighed by the significant and demonstrable harm to the character and appearance of the area. Therefore, the proposal would not accord with the development plan taken as a whole. There are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

*Christopher Miell*  
INSPECTOR