
Appeal Decision

Site visit made on 5 November 2019

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th November 2019

Appeal Ref: APP/M1595/W/19/3234319

61 Lampits Hill, Corringham SS17 9AA

- 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 Lisa Ford against the decision of Thurrock Borough Council.
 - The application Ref: 19/00530/FUL, dated 2 March 2019, was refused by notice dated 19 July 2019.
 - The development proposed is the erection of a single storey bungalow to rear of No.61 with associated hardstanding and landscaping along with parking area.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council amended the description of the proposed development from 'proposed erection of 2no. one bedroom single storey bungalow dwelling' to 'erection of a single storey bungalow to rear of No.61 with associated hardstanding and landscaping along with parking area'. I note that this description has been used on the appeal form. I consider that the revised description represents a more succinct summary of the proposed development and have therefore determined the appeal on this basis.

Main Issues

3. The main issues are:
 - the effect of the development on the character and appearance of the surrounding area; and
 - whether suitable living conditions would be provided for the future occupiers of the development

Reasons

Character and appearance

4. The appeal site is adjacent to an access road leading from Lampits Hill. This road also serves as access to a number of properties as well as the car park of a restaurant. The site is behind a row of two storey buildings. Many of these feature commercial uses on the ground floor, with residential flats above.
5. The character of the surrounding properties can be summarised as having substantially proportioned gardens. This creates a more open character. By

reason of its scale and footprint, the proposed bungalow would take up a significant proportion of the site. This would leave the development with a relatively small garden. This results in a denser form of development that is a juxtaposition with the more open character of the immediately surrounding dwellings

6. In addition, the surrounding buildings are generally orientated away from the access road. This is in contrast to the proposed bungalow, which would face it. Therefore, the proposed development would appear contrived given that it would erode the character of the more prevalent form of development. In consequence, the proposed development would appear incongruous.
7. Whilst I note that the site is reached via an access road and that views of the site from Lampits Hill are relatively limited, the access road does lead to a substantial number of residential dwellings, as well as the car park of a restaurant. In consequence, the appeal site does have a great degree of prominence.
8. I acknowledge the current appearance of the site, and that it might be improved through a redevelopment. However, I have identified significant harm to the character and appearance of the surrounding area arising from the scheme before me, which is not outweighed by any benefits emanating from redevelopment.
9. References have been made to several other developments within the surrounding area. I do not have full information regarding the planning circumstances of these, which lessens the weight that can be attributed to them. However, the evidence before me indicates that in the case of one of the cited examples an application for planning permission has been submitted, but this is yet to be determined. I therefore do not have certainty that this development would be implemented.
10. My attention has been drawn to an annexe in proximity to the appeal site. However, unlike the scheme before me this has the appearance of a small-scale outbuilding and is well screened from the access road. It therefore has a notably lower level of prominence. I acknowledge that two dwellings have been constructed at 35b and 35c Lampits Hill. However, the access road on which these are sited leads to a significantly lower number of dwellings. This ensures that the site is less prominent. In consequence, I do not believe that the presence of developments elsewhere requires me to set aside my previous conclusions.
11. I therefore conclude that the proposed development would have a significant adverse impact upon the character and appearance of the surrounding area. The proposal, in this regard, would fail to comply with the requirements of Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for Management of Development (2015) (the Core Strategy). These policies, amongst other matters, seek to ensure that new developments contribute positively to the character of the area in which it is proposed and demonstrate a high-quality design that is a positive response to local context.

Living conditions

12. The proposed bungalow would feature windows on all sides of the building. In consequence, the rear elevation windows would be in proximity to the rear

- boundary of the site. The garden would be located to the side of the proposed bungalow, in between it and the buildings in Lampits Hill.
13. By reason of the positioning of the garden, it would be very close to the rear elevation of the buildings in Lampits Hill, which feature a number of windows and, in some cases, access to the upper floor. In consequence, views of the garden area would be possible. Owing to the relatively small scale of the garden, there would be insufficient distance for any views to be diffused.
 14. As a result, residents of the development would not benefit from sufficient levels of privacy necessary to secure suitable living conditions. This is particularly concerning as the side garden represents the only private space where outdoor recreation or play might take place within the development.
 15. The private amenity space also falls below the Council's minimum threshold. I acknowledge that the Council's standards for private amenity space were adopted some time ago, however, I have identified harm arising from the size of the proposed garden within this development, and as such have given some weight to these standards.
 16. Furthermore, the rear elevation windows of the development would be close to any boundary treatment that would be sited to the rear of the proposed bungalow. Whilst this would ensure privacy for the future users of the associated rooms, it would be at the expense of sufficient light or outlook being secured. This would therefore not be conducive to the provisions of appropriate living conditions for the occupiers of the proposed dwelling.
 17. In reaching this view, I have given consideration as to whether lower boundary treatments might overcome these concerns. Whilst such boundary treatments might enable a greater amount of light and outlook being available for the rear rooms of the proposed bungalow, it would be at the expense of the privacy of the future occupiers. Furthermore, the presence of windows near the boundary would, if unscreened, adversely affect the levels of privacy available for the occupiers of neighbouring properties.
 18. Whilst future residents of the development would be aware of these arrangements when choosing whether to reside at the proposed development, it is incumbent upon the planning system to ensure that places are provided that secure good living conditions. I am therefore unpersuaded by this suggestion.
 19. In respect of the examples of other developments described by the appellant, I have previously concluded that I cannot be certain that one will progress on account of it not having planning permission. In the case of the nearby annexe, the information before me indicates that the occupiers would share the private amenity space with the residents of the original dwelling. This garden space is notably larger than that proposed within the scheme before me. I also note that this annexe does not appear to have any rear elevation windows (aside from a relatively small roof light) near to the rear boundary treatment.
 20. My attention has been drawn to Nos. 35b and 35c, however, the garden arrangement is different in that they are located to the rear of the dwellings. This provides them with a greater degree of privacy than the appeal scheme. I therefore do not believe that these developments require me to forego my previous concerns.

21. I therefore conclude that the development fails to provide adequate living conditions for the future occupiers of the development. As a result, the proposal would fail to comply with the requirements of Policy PMD1 of the Core Strategy. This policy, amongst other matters, seeks to resist development where it would cause, or is likely to cause, unacceptable effects on the living conditions of the future occupiers of the development.

Other Matters

22. It appears that the Council cannot currently demonstrate a five year housing land supply. Consequently, the tilted balance required by paragraph 11(d) of the National Planning Policy Framework would apply. This states that planning permission should be granted, unless the adverse impacts of the development significantly and demonstrably outweigh the benefits when assessed against the Framework as a whole.
23. I acknowledge that the proposal would boost the supply of housing in the area, in the form of a smaller dwelling. However, this benefit is relatively small given the scale of the proposal. Furthermore, benefits relating to an economic boost arising from an increase in the local population would be small scale and relatively localised in impact.
24. Therefore, given the harm to the character and appearance of the surrounding area and the living conditions of future occupiers, the benefits are significantly and demonstrably outweighed.
25. I also acknowledge that the development would be designed to meet the relevant Building Regulations, has been designed to enable the use of sustainable construction techniques, would not harm the wider environment and would be sited in a sustainable location with access to services and utilities. However, such matters do not overcome the significant harm.
26. I have noted the efforts made by the appellant in attempting to overcome the reasons for refusal of a previous application for planning permission. However, I do not believe that this overcomes the harm associated with the current proposal as previously identified.

Conclusion

27. For the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR