

Appeal Decision

Site visit made on 13 November 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/M1595/D/19/3238281

29 Cullen Square, South Ockendon, Essex, RM15 6AA

- 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 Mr Orji Michael Opia against the decision of Thurrock Borough Council.
 - The application Ref 19/00961/HHA, dated 23 June 2019, was refused by notice dated 13 September 2019.
 - The development proposed is an outbuilding to be used as an office and gym.
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Decision

1. The appeal is allowed and planning permission is granted for an outbuilding to be used as an office and gym at 29 Cullen Square, South Ockendon, Essex, RM15 6AA in accordance with the terms of the application, Ref 19/00961/HHA, dated 23 June 2019, subject to the following condition:
 1. The outbuilding hereby permitted shall only be used for those purposes incidental to the enjoyment of the site as a single dwellinghouse and shall not be used as a separate dwelling nor for any commercial or business purposes.

Preliminary Matters

2. I use the Council's description of development which is more concise than the application forms; I note the Appellant also uses this on the appeal form.
3. The development is completed; this does not alter the way I consider the merits of the proposal.

Main Issues

4. The main issues are the effect of the proposal on living conditions for i) neighbours and ii) occupiers of the appeal property.

Reasons

5. The appeal property is an end of terrace two storey house on a rectangular plot in a locality which is based largely on similar style homes. The proposal is as described above and is a block and rendered construction with a pitched roof. It runs across the end of the rear garden and has an eaves height of 2.7m and a ridge of 3.35m. It has replaced a smaller shed which was also at the end of the garden towards one side.
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Living conditions for neighbours

6. The Local Planning Authority is concerned that the outbuilding's siting, scale and height results in an overbearing impact upon the neighbouring dwelling to the rear of the appeal site.
7. The property to the rear, No.63 Cullen Square, is unusual in that it does not have the depth of garden which prevails locally and so has a rear elevation, albeit at an angle, closer to the appeal site's garden end than might otherwise be expected. I am thus cognisant that occupiers here could be more susceptible to any visual imposition than would normally be the case in this neighbourhood.
8. Certainly the outbuilding is not of insignificant scale and it is built virtually to the boundary. However the difference in levels between the gardens either side of the fence line is appreciable with the outbuilding sitting lower. It is such that the eaves lie lower than the top of the combined screen fence and retaining wall. The pitched roof runs away from the neighbours and taken overall is modest in ridge height. The outbuilding, given relative height and orientation, would not remove any appreciable sunlight from the neighbouring garden. Similarly I am content that it would not remove any sense of wider outlook or give any undue feeling of being hemmed-in. The outbuilding would knit into the varied built and open scene one experiences in a suburban housing estate and would not be jarring on the eye or be overbearing.
9. Policy PMD1 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) 2015 (DPD) seeks to protect the amenities of neighbouring occupants to any new development. I conclude that the appeal scheme would not run contrary to this policy. The Thurrock Residential Alterations and Extension Design Guide (RAE) SPD 2017 (SPD) includes similar objectives. Whilst the SPD cannot be expected to cover every eventuality I conclude that there would be no conflict with its aims in respect of protection of amenity for nearby residents.

Living conditions for occupiers of the appeal property

10. The Council is concerned that the size of the building in conjunction with a previous rear extension results in a limited retained outside amenity space for the host dwelling harmful to the amenity of existing and future occupiers. It is acknowledged that the overall amenity area available to this property does not breach any specific guidelines but this is bolstered by the front garden and the scale and usefulness of the rear is challenged.
11. For my part I consider rear outside amenity space to be a reasonable in scale, form and orientation for a family dwelling of this scale. The original plot was generous by, for example, many modern housing schemes, and building work has still allowed for a decent size of rear garden to remain. The space available includes flat land which could be used for varied amenity purposes. The rear faces eastwards and a sunny outside space will be available for much of the day as the side southerly aspect is open. I am also conscious that the gym area is, effectively, continued amenity space, which offers another recreational facility for the occupiers and can be

utilised in inclement weather. To my mind this home will not lack sufficient inside or outside amenity space.

12. DPD Policy PMD1 and parallel objectives within the SPD seek to protect the amenities of any occupiers of a site which is subject to development. I conclude there would be no conflict in respect of the protection of living conditions for occupiers of the appeal property.

Conditions

13. The Council suggests a conditions relating to materials and plan compliance but the scheme is complete and hence these would be superfluous. However I do strongly agree with the Council on the future use of the outbuilding needing to be controlled and shall therefore apply the suggested condition in the interests of amenity.

Overall conclusion

14. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for either the neighbours or the occupiers of the appeal property. Accordingly the appeal is allowed.

D Cramond

INSPECTOR