



Appeal Decision

Site visit made on 27 August 2019

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2019

Appeal Ref: APP/M1595/W/19/3231533

53-55, Third Avenue, Stanford Le Hope SS17 8EL

- 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 D Darby against the decision of Thurrock Borough Council.
 - The application Ref 19/00269/FUL, dated 18 February 2019, was refused by notice dated 7 June 2019.
 - The development proposed is nine dwellings with associated access road, additional access, hardstanding, landscaping and bike stores following the demolition of two existing detached bungalows.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The plan numbers referred to on the decision notice differ from those in the Officer's report. The Council and appellant agree that those listed in the Officer's report formed the basis of its decision. I have determined the appeal on the same basis.
3. The appellant has provided a signed Unilateral Undertaking (UU) dated 22 August 2019, which makes provision for contributions towards a Traffic Regulation Order to introduce measures to prevent vehicles obstructing the access points. It also makes provision for a contribution towards mitigation of the effects of recreational disturbance on the Thames Estuary and Marshes Special Protection Area.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.

Reason

5. The appeal site accommodates two detached chalet bungalows. They are set back from the road with front gardens and driveways and have long rear gardens. The adjacent properties at No 51 and 51A, are a pair of detached, two-storey dwellings which follow the same building line as those on the appeal site. They also have rear gardens of the same depth as the appeal site and there is a row of trees along the boundary of 51A. There is a row of four

- terraced two-storey properties adjacent to 55 and there is an access road which serves garages to the rear.
6. The residential development along Rose Valley Crescent and Pelham Place, with the associated garages and hardstanding areas, wraps around the side and rear boundaries of the appeal site. These streets act as a frame to the appeal site, separating it from this more intensively developed area. The spaces between the dwellings also allow views through into the appeal site and adds to the sense of openness. Importantly, the appeal site and the two neighbouring properties display some of the original open and distinctive qualities that contribute positively to the character and appearance of the Homesteads ward.
 7. Policy CSTP 23 – Thurrock Character and Distinctiveness of the Council’s Core Strategy and Policies for Management of Development (2015) (CS) specifically identifies the Homesteads ward. It describes that it has been intensely developed in the past and one where character is a key consideration. I am also mindful that the Council referred to saved ‘Annexe 9: Infill and Backland Development – Residential Precincts’ to former Local Plan Policy H11. Whilst this Annexe is not directly linked to Policy CSTP 23, it nevertheless is a material consideration and states that it is considered important to retain some of the original character of the area.
 8. The appeal proposal would involve the two existing chalet bungalows replaced by a row of three detached dwellings which would allow a greater degree of visibility into the site by virtue of the width of the access road. I note from the Officer’s report that, in isolation, these dwellings would not be unacceptable within the street scene and I have no reason to reach a different conclusion in these respects.
 9. The proposals, however, would also subdivide the rear garden area to create a short cul-de-sac serving six, two-storey dwellings. The application drawings and the illustrations contained within the Design and Access Statement show that the dwellings would be of a significant scale and mass. The two detached dwellings that would be located towards the centre of the site would be close to one another, with only the width of the access road and pavement separating them. These dwellings would be visible from the street and appear as exposed and solitary dwellings within the site which would be at odds with the prevailing pattern of development in the area.
 10. The two pairs of semi-detached dwellings at the rear of the site would have modest separation gaps and together they would accommodate virtually the full width of the site and would be an uncharacteristically cramped form of development in this part of the Homestead ward.
 11. The appellant argues that the garden areas associated with the dwellings make a very limited contribution to the character of the area, as they are not readily visible from the public domain. However, there would be views into the site from the road and the proposals would be visible from the adjoining dwellings, which surround the appeal site. I am also mindful that the line of trees along the boundary would only partially screen the proposed development from the surrounding area.
 12. The appellant has drawn my attention to an appeal decision that involved the demolition of the existing bungalow and the construction of seven new

dwellings at a site at 168 Branksome Avenue¹. Whilst this appeal is a material consideration, I do not have the full details, however I note that the appeal turned on the proposal's effect on the character and appearance. In the same vein as that Inspector, I have assessed the current proposal on its individual merits and impacts in relation to the more contemporary development plan policies and in relation to the specific local context before me.

13. Overall, the positioning of the dwellings, near both one another and the site boundaries, would appear as a cramped form of development. The proposed pattern of development would jar with the spacious garden areas of the immediately adjacent dwellings and the surrounding area resulting in significant harm to the identified distinctive character and appearance of this part of the Homesteads ward.
14. The proposal therefore conflicts with Policies PMD2, CSTP22 and CSTP23 of the CS which seek, amongst other things, to protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place.

Other Matters

15. The appellant states that the dwellings would meet the nationally described space standards, provide an appropriate quantum of amenity space and meet the car parking requirements. I am also mindful that the Council do not consider that the proposal would adversely affect the trees located in the front garden areas, which are subject to Tree Preservation Orders. However, these matters would not overcome the harm identified to the character and appearance of the area.
16. The appellant has provided a signed UU towards mitigation of the effects of recreational disturbance on the Thames Estuary and Marshes Special Protection Areas (SPAs). It also makes provision for contributions towards a Traffic Regulation Order to introduce measures to prevent vehicles obstructing the access points. As the development is unacceptable for other reasons these issues would not have a bearing on the overall decision. I do not propose to proceed to consider the evidence in detail or to progress to an Appropriate Assessment. I am also mindful that the Council have not commented on the UU. The matter requires no further attention as part of this decision.
17. Local residents have expressed a range of other concerns over the environmental impact of the proposal, including highway safety, overlooking, privacy, loss of light, ecology, flooding, trees, drainage, noise, affordable housing, impact on local services and loss of view. As I have found the development unacceptable for other reasons, it is not necessary to explore those matters any further.
18. The appellant has also drawn my attention to an appeal at Little Thurrock Marshes, Grays, Essex². The appellant relies on the evidence that was presented at that inquiry in 2018 and states that the Council cannot demonstrate a five-year supply of deliverable housing sites with the estimation being a supply in the region of 2.5 to 2.7 years. The Council has not responded to this, and I have not seen any definitive or updated details in this regard.

¹ APP/M1595/W/18/3207492

² APP/M1595/W/17/3188665

19. Relevant policies for the supply of housing in the development plan would therefore be out of date and, accordingly, point d (ii) in paragraph 11 is engaged. The document advises that, in such instances of the absence of relevant or up-to-date development plan policies, planning permission should be granted except where any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
20. The net increase of seven additional dwellings would bring some limited economic and social benefits, including construction jobs, increased spend and sustainably located homes boosting the supply of housing. Nevertheless, I find the adverse impacts which would result from the extent of development upon the distinctive character and appearance of the area unacceptable.

Conclusions

21. Section 38(6) of the Planning and Compulsory Purchase Act, 2004 indicates that an application for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. In this instance no such considerations have been identified which would suggest that the proposal should be determined otherwise than in accordance with the development plan.
22. I have found significant harm in respect of the character and appearance of the area that would significantly and demonstrably outweigh the benefits of the proposal when assessed against the policies in the Framework taken as a whole.
23. For the reasons above, taking into account all matters raised, the appeal is dismissed.

Neil Smith

INSPECTOR