
Appeal Decision

Site visit made on 5 November 2019

by Stephen Wilkinson BA BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2020

Appeal Ref: APP/M1595/W/19/3234264

12 Lytton Road, Chadwell St. Mary, Essex RM16 4EU

- 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 Jason Hyatt against the decision of Thurrock Borough Council.
 - The application Ref 19/00458/FUL, dated 24 March 2019, was refused by notice dated 21 May 2019.
 - The development proposed is construction of a pair of 2 bedroom semi-detached houses.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have altered the appeal site address from that used on the application form as there is only a grid reference and a plot title number. For clarity and consistency, I have used the address used by the Council in its decision letter.
3. Annex M of the Procedural Guide Planning Appeals – England (August 2019) says that if an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought.

Main Issues

4. The proposal raises two main issues as follows:
 - the effect on the character and appearance of the area, and
 - the effect on the living conditions of occupiers of the proposed dwellings by reason of the adequacy of private amenity space.

Reasons

Character and Appearance

5. The appeal site comprises 260sm and is part of a former rear garden to No.12 Lytton Road (the 'host' property), which occupies a corner site adjacent to an unnamed short road which leads to Ruskin Road. The surrounding area comprises an estate of short terraces and semi-detached 2 storey residential properties with roads lined by incidental open spaces with properties set within

- generous plots. Notwithstanding this established character, opposite the appeal site part of the rear garden area of No 14 Lytton Road has been redeveloped with a bungalow, No 14A Lytton Road.
6. The appeal proposals include a pair of semi-detached two storey 2 bedroom properties with a side and rear garden and with forecourt car and cycle parking areas. The proposed houses would be located within approximately 3m of the site boundaries to 10 Lytton Road and approximately 5m to the boundary to the 'host' property and 35 Ruskin Road. The proposed houses would have a ridge height of about 7.5m. The scheme would be finished in stone 'dash' or render with tiled roofs designed to match the local character of the estate.
 7. The proposed houses would fit tightly within the site's boundaries. This would be at variance with the relatively open character of the estate and in particular that of the short connecting roads which run along the flank of rear gardens. Although land opposite the appeal site has been developed for No. 14A Lytton Road, this bungalow is a form of development which is more sensitive to the estate's essentially 'open' character at this point.
 8. Although the appellant identifies that the street view of the proposal does not reveal the site's limited depth this is only one aspect of this main issue which is related more to the appearance of the proposed houses in this street which by reason of their height as well as the reduction in garden length of the 'host' property would adversely impact on the 'open' qualities of the area.
 9. The appellant has cited an appeal decision¹ where he was successful in obtaining planning permission for a side extension to No 14 Lytton Road as a precedent for the current appeal. I do not have all the papers before me regarding that decision and whilst the issue of 'character and appearance' may have been the same, the circumstances of the cases will differ given the specific location of the appeal site and that of the previous decision.
 10. The Council's Core Strategy and Policies for the Management of Development 2015, (CCSPMD) include policy CSTP 22 which seeks amongst other matters to ensure that new development respects the distinctive positive characteristics of local areas. This policy is supported by PMD2 which requires new development to respect the character, townscape and local views of the area in which they are located.
 11. To conclude on this issue the proposals do not respect the area's local character and appearance and are counter to the essential thrust of adopted policies. Furthermore, the National Planning Policy Framework 2019, (the Framework) identifies that new development should add to the overall quality of an area and be sympathetic to local character.

Living conditions

12. This proposal includes approximately 60sm of amenity space for each dwelling located to the side and rear of each property. The Council's main objection to this is that the configuration and layout is not functional for use as private garden space. I do not believe that the shape of the amenity space would undermine its use and consider that whilst modest in size could function adequately as amenity space for a two bedroom house.

¹ APP/M1595/D/13/2198491

13. Policy PMD1 of the CCSPMD (2015) requires that development would not be acceptable if it would adversely impact on the amenity of future occupiers. The proposed garden areas would in my opinion not run counter to the essential thrust of this policy and the proposed private amenity space is adequate. This however does not overcome the harm that I have found above.

Other Matters

14. The appellant cites examples of other small scale housing schemes in the Borough including in Bowerman Road, some of which predate the adoption of the existing local policies and the development of the Framework. As I do not know the full planning history of each of these sites I cannot be certain that they are directly relevant to my determination of this appeal.
15. The appellant makes a reference to the Council's standards for private amenity space dating from 1997. However, I have not seen a reference to these standards by the Council in the evidence before me and have not considered these in my decision.
16. Whilst I acknowledge that the development of this site could reduce pressure on the Green Belt, new development has to be achieved in a way which is appropriate for its context and does not negatively impact on local areas.
17. An interested party has expressed support for the proposal on the basis of housing need and the fact that the proposal would result in short term employment opportunities and stop anti-social behaviour around the site. I acknowledge the importance of maintaining an adequate housing supply but consider that this has to be balanced with a need to ensure that the housing which is delivered meets appropriate standards and does not adversely impact on the character and appearance of an area. Regarding the other matters of antisocial behaviour and local employment these matters could be addressed through other measures other than new development on this particular site.
18. Having regard to all these matters I consider that these do not alter my view that the determining issue in this appeal is the effect of the proposal on the character and appearance of the area. For the reasons stated above this appeal is dismissed.

Stephen Wilkinson

INSPECTOR