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## Appeal Decision

Site visit made on 29 June 2020

**by M Heron BA (Hons) MA MRTPI**

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

**Decision date: 03 August 2020**

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**Appeal Ref: APP/M1595/W/19/3242008**

**Montrose, 168 Branksome Avenue, Stanford Le Hope SS17 8DE**

- 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 (Cedarmill Developments Ltd) against the decision of Thurrock Borough Council.
  - The application Ref 19/00379/FUL, dated 8 March 2019, was refused by notice dated 7 June 2019.
  - The development proposed is the demolition of the existing bungalow and the construction of 5 new dwellings.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. This proposal follows an application<sup>1</sup> for seven new dwellings at the appeal site. This was refused by the Council and subsequently dismissed at appeal<sup>2</sup>. Amongst other things, the Inspector found harm relating to character and appearance. I henceforth refer to this as 'the previous scheme' and I have taken it into account in my determination.
3. The Council's decision notice does not refer to drawing 1564-P03 revision A, which has been provided through this appeal process. However, it has clearly based its own decision on this plan as it is referenced in its officer report. I have therefore had regard to it in my decision.

### Main Issue

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

### Reasons

5. No 168 is a detached bungalow located within a residential area on the south eastern side of Branksome Avenue. Although the area is fairly densely developed, this particular section of this side of the street is characterised by detached bungalows set behind relatively small front gardens with larger, mainly open, rear gardens. This gives the immediate area a distinctly spacious feel. The appeal property is set within a large 'L-shaped' plot that has an unusually wide street frontage. It has a generous, predominately undeveloped,

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<sup>1</sup> Ref 18/00316/FUL

<sup>2</sup> Ref APP/M1595/W/18/3207492

- rear garden. The appeal site contributes positively to the spacious character of this part of the street.
6. This proposal seeks permission to demolish No 168 and its associated garage and construct five detached, two-storey, properties. Two of these (Plots 1 and 2) would be set either side of the new access road and would front Branksome Avenue. The remaining three dwellings (Plots 3, 4 and 5) would be set towards the rear of the site. All proposed dwellings would have off-street parking spaces and there would also be visitor parking bays within the site.
  7. The height and individual design (including materials palette) of the proposed dwellings would be acceptable and Plots 1 and 2 would create an appropriate street frontage. However, the scheme as a whole would introduce a substantial amount of built development to the site, including large dwellings and a high proportion of hardstanding. This would leave only limited space for soft landscaping, giving the development an unduly harsh and intensive appearance. This would be particularly evident towards the rear of the site, where proposed dwellings would be set within close proximity of one another and Plots 3 and 4 would be positioned near to adjacent site boundaries. The cramped and overdeveloped appearance of the proposal would be notably out of character with the spacious nature of this part of the street.
  8. Given that there are several examples of backland developments in the surrounding area, there would be no 'in-principle' objection to this type of development at the appeal site. Nevertheless, taking all of the above into account, the quantum and layout for this proposed backland development would fail to integrate effectively with the character of the immediate area. There would only be glimpses into the site from certain vantage points along Branksome Avenue. However, the proposal's harmful layout at the rear would be visible from several surrounding residential properties.
  9. I appreciate that there would be a reduction in the quantum of proposed dwellings, and therefore less built development at the site, when compared to the previous scheme. However, this has not sufficiently addressed the fundamental problem associated with the proposal's unduly intensive and cramped layout. Thus, the concerns of the previous Inspector have not been overcome. In addition, the presence of nearby backland developments with a higher density than that proposed are not reasons to permit a scheme which would harm its immediate setting when assessed on its own individual merits.
  10. For the reasons given, I conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with Policies PMD2, CSTP22 and CSTP23 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development. Amongst other things, these seek to ensure that developments protect, manage and enhance the character and context of their local area. The Council's officer report refers to Policy H11 and 'Annexe 9' of the Thurrock Borough Local Plan 1997. However, neither of these have been provided or are referred to in the Council's decision notice and Policy H11 is not saved. Consequently, I have assessed the scheme against the prevailing development plan policies within the Council's decision notice as other Inspectors have done.
  11. Turning to the National Planning Policy Framework (the Framework), this seeks to make efficient use of land in accessible locations and states that small and medium sites can make an important contribution to meeting the housing

requirement of an area. However, this should not be at the expense of achieving high quality development which adds to the quality of areas. I have found that the proposal would not achieve this. There is therefore conflict with the design objectives of the Framework.

#### *Other Matter*

12. I have no evidence to show that the proposal, individually or in combination with surrounding developments, would not have a likely significant affect on the Thames Estuary and Marshes Special Protection Area (SPA), a European designated site. Natural England has provided revised advice regarding the need to ensure that new residential development and any associated recreational disturbance impacts on European designated sites are compliant with the Habitats Regulations. It would appear that the Council would have requested financial contributions to mitigate the impact of recreational activity on the SPA if it had found the scheme to be acceptable. The appellant has provided a legal agreement which would secure such contributions towards the Essex Coast Recreational Disturbance and Mitigation Strategy.
13. As the competent authority, if the appeal was acceptable in other respects it would have therefore been necessary for me to go back to the parties to seek further information in order to undertake an Appropriate Assessment for this scheme. However, as I am dismissing the appeal for a substantive reason, I have not taken the matter further.

#### **Planning Balance**

14. From the appellant's uncontested evidence, the Council cannot demonstrate a five year supply of deliverable housing land and it appears to currently have a supply of around 2.5-2.7 years. This is a considerable shortfall and under these circumstances paragraph 11 of the Framework is engaged. This states that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.
15. The Government, as well as some of the Council's development plan policies, seek to significantly boost the supply of housing. The proposal would provide a modest net increase of four dwellings at the site in an accessible location. The economic benefits associated with the construction and occupation of the proposal would also be modest. In this context, I give moderate weight to these social and economic benefits.
16. The proposal would be acceptable in some respects. For example, it would not harm the living conditions of the occupants of surrounding properties, would afford suitable living conditions for future occupants and would not prejudice highway safety. However, these are requirements of the development plan and are therefore neutral factors in the planning balance.
17. On the other hand, the scheme would harm the character and appearance of the area. It would therefore fail to fulfil the environmental objective of sustainability within the Framework. This is a matter which attracts significant weight against the development.
18. The above factors lead me to conclude that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits associated with the provision of four additional dwellings at the site. Consequently, the proposal would conflict with the development plan when read as a whole and there are

no material considerations, including the advice of the Framework, which outweigh this conflict.

**Conclusion**

19. For the above reasons, and having regard to all other relevant matters raised, I conclude that the appeal should be dismissed.

*M Heron*

INSPECTOR