The Planning Inspectorate

Appeal Decision

Site visit made on 5 November 2020

by Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2020

Appeal Ref: APP/M1595/W/20/3251544
Adjoining 97 Sabina Road, Chadwell St. Mary, RM15 4PN

- 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 Tony Higgs against the decision of Thurrock Borough Council.
- The application Ref 19/01565/FUL, dated 26 July 2019, was refused by notice dated 20 March 2020.
- The development proposed is the erection of a 3-bedroom residential dwelling house.

Decision

1. The appeal is dismissed.

Main Issues

2. There are 4 main issues in this case: i) the effect of the proposed dwelling on the character of the area and on the street scene; ii) its effect on the living conditions of adjoining occupiers (the host dwelling, No.97); iii) the adequacy of the amenity space proposed for the new and host dwelling; and iv) the adequacy of the vehicular access and provision for parking cars, and highway safety.

Reasons

Character of the area and the street scene

3. The site fronts Sabina Road at a point where, along the flank of No. 79, a short spur runs off as a Cul-de-sac serving 2 other terraces. Sabina Road, like other roads in the immediate vicinity, largely consists of terraces of 2-storey houses. Number 97 is the end of one such terrace, which consist of 5 dwellings. The design and appearance of these dwellings is generally rather uniform and typical of the area. They are of facing brickwork, with tiled roofs. There is some minor variation to front elevations brought about by replacement windows and the addition of an occasional porch. These additions add some variety, but overall there is a strong sense of uniformity, within which the open spaces between terraces, at junctions and roadside verges, play a significant part as a counterpoint to the built form.

4. The design of the 2-storey appeal proposal has contended with a narrow frontage that currently exists as the side curtilage of the host dwelling. The site then widens at the rear due to the side boundary of the property following an angle to the frontage, due to this part of the road following a bend that goes through an arc of more than 90°. The proposed dwelling therefore adopts a narrower frontage than the existing houses, whilst adding a single storey side

extension to increase the ground floor area. This side projection is set back some 2.5m from the front of the house, under a pitched roof. At the rear, this single storey side addition becomes a 2-storey extension, projecting beyond the rear of the host dwelling, the upper floor being within a hipped-gable roof. The effect of this when looked at from the side, or obliquely from the road, is of a 2-storey building, rising out of a pitched roof at the rear.

5. My conclusions on this issue are that the proposed house sits awkwardly on its site, and that its massing and appearance is incongruous in its context. Added to this is the fact that the proposal reduces the openness that is a characteristic at the end of terraces. Thus the proposal is detrimental to the character of the area and the street scene, and fails to accord with the requirements of Policy PMD2 of the Core Strategy and Policies for the Management of Development (2015).

Living conditions of adjoining occupiers

6. The Council refers to Policy PMD1 of its Policies for the Management of Development, with emphasis on the protection of residential amenity. It seeks to ensure that development does not cause, among other things, invasion of privacy, loss of light or visual intrusion. Of these, it is the second and third of these matters that lies behind the second refusal reason. The rear 2-storey projection extends to 2.1m from the rear elevation of No.79, which the Council considers, taking into account that the back of the house faces south, would lead to an undue sense of enclosure, and an unacceptable loss of sunlight and daylight, impacting on the living conditions of the occupiers of No.97.

7. In respect of loss of daylight to the rear ground floor windows of No.97, the appellant has provided diagrams that satisfy me that the concerns are not well founded. In addition, the fact that the rear elevation does face south means that there should be no unacceptable loss of sunlight. Turning to visual intrusion and a sense of enclosure, as is explained in the appellant's statement, and demonstrated on submitted plans 10083/009 and 10083/101, the rear extension comes within acceptable limits as depicted in Case Study 3 'Interpreting standard 4.22 (a) to determine a buildable limit' on page 25 of Thurrock Design Guide 'Residential Alterations and Extensions', Supplementary Planning Document (2017)[1]. I conclude that the living conditions of the adjoining occupiers of the host property would not be adversely affected by the appeal proposal.

Amenity space

8. In my view this issue is concerned with 'private' space at the rear, rather than the front gardens. The Council cites insufficient amenity space for future occupiers of the proposed dwelling and the occupiers of 97 Sabina Road. However, there is no numerical indication of the extent to which it is considered the proposal falls short.

9. For the appellant it is said that the scheme provides the new dwelling with a 44.7m^2 rear garden, bike storage area, and several landscaped areas. The scheme, also, provides the existing dwelling of 97 Sabina Road with a 35m^2 rear garden. These figures appear to exclude the proposed car parking areas

[1] Whilst this document is providing advice in respect of designing extensions to existing dwellings, as accepted by the Council the principles are the same in this case where the rear of a new property projects beyond the rear elevation of the adjoining dwelling.

within the rear gardens. Whilst the car parking spaces do not provide the same level of amenity as space provided purely for recreation and other household activities, many gardens get divided into areas for sheds, etc, and I consider that the whole of the rear open space should be considered. On this basis, and bearing in mind that No.97 currently is situated on a larger plot than other houses in the terrace, the proposed development produces a similar amount of useable space for the existing and proposed dwellings as that enjoyed by the neighbours. I conclude that the proposal is satisfactory in this respect.

Vehicular access and car parking

10. The flank boundary of No.97 Sabina Road, and therefore of the appeal site, runs along a short cul-de-sac that leads to a rear accessway running along the back of this terrace and others. This accessway is concreted, with a central drainage channel and does not appear to be part of the public highway. The proposed parking provision is accessed from this rear access, and not, as is stated in the fourth refusal reason, coming off the radius of the junction of the road. The proposed car park spaces meet the required dimensions set out in Residential Alterations and Extensions SDP.

11. The nature of this accessway, which allows for traffic both ways, means that vehicular speeds will be low, and I do not see any hazard to drivers or pedestrians arising from the proposed accesses to the 2 parking areas. Manoeuvring into and out of the parking spaces, particularly those in the appeal site, may not be the most straightforward, but I am satisfied that this issue does not amount to a reason for refusal of permission.

Conclusions

12. I have taken account of all other matters raised, but my overall conclusion is that the harmful effect of the proposed development on the character of the area and the street scene, as set out under the first issue, with its conflict with Policy PMD2 of the Core Strategy and Policies for the Management of Development (2015), is over-riding, and the appeal should be dismissed.

Terrence Kemmann-Lane

INSPECTOR