
Appeal Decision

Site visit made on 8 December 2020

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2020

Appeal Ref: APP/M1595/W/20/3256515

Jemaine, 3 Branksome Avenue, Stanford Le Hope SS17 8AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Pankaj Verma against Thurrock Borough Council.
 - The application Ref 20/00504/FUL, is dated 28 April 2020.
 - The development proposed is demolition of existing single dwelling and construction of two semi-detached new build properties each with separate summerhouse outbuildings.
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Decision

1. The appeal is dismissed and planning permission refused for demolition of existing single dwelling and construction of two semi-detached new build properties each with separate summerhouse outbuildings.

Main Issues

2. The Council did not make a decision on the planning application within the statutory period and this has taken the jurisdiction to determine the application away from the Council. However, the Council has provided a statement which sets out that had it been in a position to determine the application, it would have refused planning permission for 4 reasons.
3. In light of the above, I consider that the main issues are:
 - The effect of the proposed development on the character and appearance of the area; and,
 - The effect of the proposed development on highway and pedestrian safety.

Reasons

Character and appearance

4. The area predominantly consists of detached and semi-detached dwellings, which are varied in design. The dwellings are set back from the road on fairly spacious plots and provide a good level of spacing to neighbouring buildings at upper floor level. Taken together with the soft landscaping provided in the front gardens, these factors provide a spacious character to the area. The appeal site comprises a modest detached dwelling on a corner plot adjacent to the junction of Branksome Avenue and Branksome Close. The siting of the dwelling provides openness and greenery adjacent to the road junction, which contributes to the

- spacious feel of the area. Whilst there is a shed to the side of the property, its visual impact on the street scene is limited by its single storey height.
5. The proposal would replace the existing modest detached dwelling with a substantial semi-detached building. The width of the proposed building would be considerable, and it would maintain only small gaps to the side boundaries. The combined width, height and depth would create a building of substantial scale, which would be accentuated further by the provision of dormer windows at second floor level. The proposal would appear bulky and its size would be out of scale with neighbouring properties in the area. By virtue of the substantial scale of the proposed building and the lack of undeveloped space around it, the proposal would appear cramped on the plot and have a dominant presence in the street scene.
 6. Furthermore, the south-western side of the building would project significantly forward of No 36 Branksome Close and near to the boundary with the highway, which would appear prominent and visually intrusive in the street scene and erode the openness around the road junction. In addition, the proposed parking area would consist of a large expanse of hard-surfacing, which would dominate the wide front garden. I have had regard to the proposed planting scheme, which shows the removal of an existing tree and the provision of new trees and hedging. Nevertheless, the amount of soft landscaping would be limited and it would do little to break up the large expanse of the hard surface and soften the appearance of the proposed development. Taken together, the above factors show that the proposal would be harmful to the spacious character of the area and so it would not respect the context of the site.
 7. For these reasons, I conclude that the proposed development would be harmful to the character and appearance of the area. The proposal would therefore be contrary to Policies PMD2, CSTP22 and CSTP23 of the Thurrock Core Strategy and Policies for Management of Development (as amended) Adopted January 2015 (the Core Strategy), which, amongst other things, require development proposals to demonstrate high quality design and contribute positively to the character of the area in which it is proposed. The proposal would also be contrary to chapter 12 of the National Planning Policy Framework (the Framework), which amongst other things, seeks the creation of high quality buildings and states that developments should be visually attractive and sympathetic to local character.

Highway safety

8. The proposal would provide 6 on-site parking spaces for each dwelling, comprising 4 spaces on a parking area to the front and 2 spaces within an integral garage.
9. The proposed block plan shows that the front parking spaces would be cramped, and there are no details to show how the parking spaces would be accessed. The parking layout is such that vehicles would be blocked-in by other vehicles on the parking area. Based on the information before me, it is apparent that there would need to be significant manoeuvring of vehicles across the pavement and the highway in order to enter and leave the proposed parking spaces. This would cause danger to users of the highway and pedestrians, particularly given the location of the appeal site close to a road junction.

10. I note the appellant's comment that they would be willing to reduce the number of parking spaces. However, in the absence of drawings to show how an alternative parking arrangement would be laid out, I cannot be certain that this would overcome the harm that I have identified.
11. For these reasons, I conclude that the proposed development would be harmful to highway and pedestrian safety. The proposal would therefore be contrary to Policies PMD8 and PMD9 of the Core Strategy, which, amongst other things, state that vehicle parking provision will only be permitted where it is safe and of a high design quality; and development of new accesses or increased use of existing accesses will only be permitted where the development makes a positive contribution to road safety or road safety is not prejudiced. The proposal would also be contrary to paragraph 109 of the Framework, which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety.

Other Matters

12. The Council indicates that the proposed development would be within the zone of influence of the Thames Estuary and Marshes Special Protection Area (SPA). The SPA is a European designated site which is subject to statutory protection under the Conservation of Habitats and Species Regulations 2017 (the Habitat Regulations). Had the proposal been acceptable in planning terms, it would have been necessary for me to have undertaken an Appropriate Assessment (AA) as the competent authority. However, regulation 63(1) of the Habitat Regulations indicates that the requirement for an AA is only necessary where the competent authority is minded to give consent for the proposal. As I am dismissing the appeal for other reasons, it has not been necessary for me to consider this matter further.

Planning Balance and Conclusion

13. Whilst I have had regard to the Council's reference to an appeal decision at No 168 Branksome Avenue¹ I have determined the appeal on its own planning merits. Nevertheless, the information before the Inspector in that appeal indicated that the Council could not demonstrate a 5 year supply of deliverable housing sites. In these circumstances, the most important policies for determining the appeal are out-of-date in accordance with footnote 7 of the Framework and paragraph 11(d) of the Framework is engaged. In the absence of information before me to indicate otherwise, I have determined the appeal on the basis that the Council cannot demonstrate a 5 year supply of deliverable housing sites.
14. The proposal would result in a net increase of one dwelling, which would make a small contribution towards the Council's housing land supply. The proposal would bring temporary economic benefit from the construction process, and the long-term economic benefit from the boost to local services from the new residents. These factors weigh in favour of the proposal, but the benefits would be limited because of the small amount of development. As such, I give these considerations only limited weight in my decision.
15. I have found that the proposed development would be harmful to the character and appearance of the area. Furthermore, the proposal would also cause harm

¹ Appeal reference: APP/M1595/W/18/3207492

to highway and pedestrian safety. These are matters that attract significant weight.

16. Even if I had found that the proposal would avoid an adverse effect on the integrity of the SPA, and hence that there was not a clear reason for refusing the development proposed pursuant to paragraph 11d)i), I conclude that the identified adverse effects of the proposal would significantly and demonstrably outweigh the benefits outlined above, when assessed against the policies in the Framework taken as a whole. Furthermore, there would be clear conflict with the development plan policies in respect of the identified adverse effects of the proposal. Therefore, the appeal should be dismissed.

C Osgathorp

INSPECTOR