
Appeal Decision

Site visit made on 11 December 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/M1595/D/20/3259630

225 Princess Margaret Road, East Tilbury, Tilbury RM18 8SB

- 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 Mihai Morosan against the decision of Thurrock Borough Council.
 - The application Ref 20/00123/HHA, dated 30 January 2020, was refused by notice dated 3 August 2020.
 - The development proposed is the erection of front and side wall with railings and gates.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the interest of clarity, I have used the description of development given on the appeal form in the banner heading above. As the development is in place this appeal relates to an application for retrospective planning permission.

Main Issues

3. The main issues are: i) whether the proposal would preserve or enhance the character or appearance of the East Tilbury Conservation Area, and ii) the effect of the proposal on pedestrian and highway safety, with particular regard to visibility.

Reasons

Character and appearance

4. The appeal property is a 2-storey semi-detached house with a parking area at the front. It is located within the East Tilbury Conservation Area which primarily comprises the Bata Settlement, a purpose built industrial village which developed predominantly between the 1930s and the 1960s for the British Bata Shoe Company Ltd. The area is a planned development of mid-twentieth century housing that combines Garden City planning and Modernist architecture.
5. Princess Margaret Road comprises semi-detached houses built in the 1960s of largely identical original design. This gives the street a considerable degree of unity, which is a key feature of the Conservation Area as a whole. The unity and quality of the street scene is somewhat disrupted by the existence of large areas of hardstanding in front of some of the houses and the wide variety of front boundary types. Generally, however, the properties have low brick walls,

some original, and soft landscaping at the front, aspects of the Conservation Area that contribute positively to its character and appearance.

6. The appeal scheme comprises waist high brick walls with brick piers and railings above together with vehicular and pedestrian gates. Together this forms a roughly shoulder-high enclosure around the 3 sides of the hard landscaped space at the front of the appeal property. Due to its siting, height and appearance the scheme is a wholly incongruous element that results in unacceptable harm to the appearance and character of the street scene.
7. For these reasons I conclude that the appeal scheme fails to preserve the character and appearance of the East Tilbury Conservation Area. It therefore fails to comply with Policies CSTP22, CSTP24, PMD2 and PMD4 of the Thurrock Core Strategy and Policies for the Management of Development (2015) (CSPMD) which, amongst other matters, require proposals to respond to the sensitivity of the site and its surroundings and contribute positively to the character of the area.
8. Although the harm to the character and appearance of the Conservation Area resulting from the appeal scheme is less than substantial, there are no public benefits derived from it and therefore there is clear conflict with paragraph 196 of the National Planning Policy Framework (2019).
9. I note there are some examples of tall walls and railings in Princess Margaret Road and elsewhere in the Conservation Area. There is no evidence before me as to when or if planning permission was granted for these structures and as each planning application and appeal needs to be considered on its individual merits having regard to its particular context and current planning policy and guidance, I attribute limited weight to these boundary enclosures. To varying degrees the examples of front boundary treatments put forward by the appellant illustrate the harm that can occur due to such development and therefore the need to prevent similar development, such as that proposed.

Highway safety

10. The enclosed space at the front of the appeal property is used for the parking of cars. As there is a significant distance between the gateway and the road I am satisfied there is sufficient visibility in respect of cars leaving the appeal site and turning onto the road. This manoeuvre also requires vehicles to cross the pavement. Whilst I note that the brick piers and railings would reduce inter-visibility between car drivers and pedestrians, pedestrian levels are relatively low and cars exiting the site would be moving at low speeds and would be audible to pedestrians. As such the chances of harm to pedestrians due to the appeal scheme would be minimal.
11. For these reasons I am satisfied that the appeal scheme would not result in unacceptable harm to pedestrian and highway safety. It therefore accords with CSPMD Policies CSTP22 and PMD2 which seek safe and secure design.

Conclusion

12. For the reasons set out under the first main issue, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole INSPECTOR