
Appeal Decision

Site visit made on 16 December 2020

by Benjamin Clarke BA (Hons.) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: Tuesday, 12 January 2021

Appeal Ref: APP/M1595/W/20/3256235

1 Quarry Mews, Purfleet RM19 1GR

- 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 and Mrs Banwo against the decision of Thurrock Borough Council.
 - The application Ref: 20/00488/FUL, dated 15 April 2020, was refused by notice dated 10 June 2020.
 - The development is a retrospective planning permission for erection front boundary fence, the erection of side and rear boundary wall with the change of use from amenity land to residential use.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, I noted that some elements of the development had been carried out in accordance with the submitted plans. Accordingly, I am considering some elements of this appeal retrospectively.
3. The Council amended the description of the development from 'retrospective boundary treatment and change of grass verge from amenity land to habitable' to 'retrospective planning permission for erection front boundary fence, the erection of side and rear boundary wall with the change of use from amenity land to residential use'. The revised description has also been used on the appeal form. I consider that the revised description is a more succinct summary of the development and have therefore proceeded on this basis.

Main Issues

4. The main issues are:
 - i. the effect of the development upon highway safety; and
 - ii. the effect of the development upon the character and appearance of the surrounding area.

Reasons

Highway safety

5. The side wall is located immediately adjacent to the edge of the pavement and faces Fanns Rise. To the rear of the appeal site is a driveway. The rear boundary treatment would be directly adjacent to this.
6. Owing to the presence of the driveway, it is likely that vehicles would be required to manoeuvre onto the highway in proximity to the appeal site. Owing to the positioning of the boundary treatments, vehicles leaving the driveway would be somewhat obscured by other motorists and pedestrians.
7. Furthermore, drivers of vehicles leaving the driveway would have their views of vehicles and pedestrians in Fanns Rise being somewhat obscured. In consequence, such motorists would not have sufficient levels of visibility in order to prevent such manoeuvres from coming into conflict with other motorists and pedestrians. This arrangement would erode highway safety.
8. The plans show the creation of a parking area within the garden of the property, that would be accessed via a gate sited in the rear boundary. Access to this space would require a convoluted manoeuvre owing to the number of different changes in direction. Drivers undertaking this manoeuvre would experience diminished visibility of other motorists or pedestrians in Fanns Rise.
9. I acknowledge that the side wall replaced a fence on the side boundary. However, the evidence before me indicates that this fence was set back from the highway edge. In consequence, whilst this space was limited, this would have enabled motorists leaving the driveway to have a greater level of visibility of other road users and pedestrians. In consequence, the original fence would not have had the same effect on highway safety as the appeal scheme. Therefore, the presence of the original fence does not allow me to disregard my previous concerns.
10. I have also had regard to the requirement of the National Planning Policy Framework (the Framework). This states that new development should not lead to an erosion of highway safety in the area surrounding a development.
11. I acknowledge references to parking problems within the vicinity of the appeal site and the potential that parking restrictions might be introduced in the future. However, in considering this appeal I have identified harm to the level of safety for other users of the highway and I do not have complete certainty that parking restrictions might be introduced, and the form that they might take. In consequence, I do not find that these matters are sufficient to overcome my previous concerns.
12. I therefore conclude that the development has an adverse effect on highway safety. The development, in this regard, would conflict with Policy PMD2 of the Thurrock Core Strategy and Policies for the Management of Development (2015) (the Core Strategy); and the Framework. These, amongst other matters, seek to ensure that new developments mitigate against negative impacts; allow easy and safe access; and do not affect highway safety.

Character and appearance

13. The appeal site is located in a residential area. The surrounding area features several different dwellings that have been constructed to a variety of designs and scales. As a part of this varied character, some gardens feature different boundary treatments, some which are directly adjacent to the highway. In addition, there are some front gardens within the surrounding area that include car parking and varying amounts of landscaping.
14. The various amounts of new boundary treatments would therefore be viewed against this varied context. This means that whilst it is close to the edge of the highway, it would not appear to be incongruous, particularly as other boundary treatments within the vicinity are in similar proximity to the highway.
15. In addition, owing to the road layout and general topography, the appeal site is not particularly prominent within the surrounding area and therefore views of the development are relatively limited.
16. In result, this means that the proposed development would also not be a strident addition to the surrounding area and would not be erode the character of the surrounding area.
17. I note that there is some debate regarding the use of the land to the side of the appeal site that has been enclosed by the side boundary treatment. However, I note that this area has been included within the red line that denotes the site on the submitted plans. In any event, due to the form of the development and the nature of the surrounding area, the enclosure of this space is not injurious to the character of the surrounding area, irrespective of its permitted use.
18. Furthermore, the proportions of this area are such that this space, if made available for use by members of the public, would not support an array of recreational activities. In consequence, its use would not be particularly detrimental to provision of such facilities within the surrounding area.
19. I therefore conclude that the proposed development would not have an adverse effect on the character and appearance of the surrounding area. The development, in this specific regard, would not conflict with the requirements of Policies PMD2 and CSTP22 of the Core Strategy. These, amongst other matters require that developments contribute positively to the character of the area and be founded on a positive response to the local context.

Other Matters

20. My attention has been drawn to some other previous approvals for the provision of boundary treatments on other properties. Whilst I have had regard to these, I note that the individual pattern of buildings and road layouts that surround each development is different to the scheme before me. In consequence, the effects of these developments are different. I therefore do not find that they outweigh my previous conclusions.
21. I acknowledge that the proposed development does not have an adverse effect upon the living conditions of the occupiers of neighbouring properties. Whilst this is a matter of note, it is only one of all the matters that must be considered when assessing a development. Therefore, this matter does not outweigh my previous conclusions in respect of the Main Issues

Planning Balance and Conclusion

22. Whilst I have identified that the development does not have an adverse effect on the character and appearance of the surrounding area, this is outweighed by the adverse effect on highway safety. Accordingly, for the preceding reasons, I conclude that the appeal should be dismissed.

Benjamin Clarke

INSPECTOR