



Appeal Decision

Site visit made on 8 December 2020

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/M1595/W/20/3259608

32 Lancaster Road, Chafford Hundred, Grays RM16 6BB

- 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 Havering Building & Landscapes Ltd against the decision of Thurrock Borough Council.
 - The application Ref 20/00251/FUL, dated 26 February 2020, was refused by notice dated 17 August 2020.
 - The development proposed is described as the "demolition of existing double garage, subdivision of existing plot and the construction of a new detached dwelling, including off-street parking, private garden amenity space and associated development".
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the effect of the proposal on the character and appearance of the area and the living conditions of future occupiers with particular regard to private amenity space.

Reasons

3. The appeal site contains a detached two storey dwelling and a single storey detached double garage building. The site is bound to the rear by a footpath and benefits from an additional area of garden space to its side as well as a garden to the rear of the existing dwelling.
4. The area is predominantly residential and has a pleasant suburban character which contains a variety of size and style of properties that face onto Lancaster Road. There is a degree of uniformity to the area created by the layout and appearance of dwellings in the vicinity which, on the whole, tend to be terraced dwellings that are positioned close to the footpath with small garden areas to the front and larger private gardens to the rear.
5. Examples of semi-detached and detached dwellings are also visible in the vicinity, such as the appeal site which forms part of a small group of detached dwellings. These properties benefit from garaging, and parking areas to the front and are set further back from the road than the properties opposite and to the north.
6. The proposal seeks to demolish the existing detached garage and replace it with a two storey, two bedroom dwelling that would be sited largely in the same location as the existing garage building. It would face onto Lancaster

Road with a private garden area to the side and rear. Parking and turning areas would also be provided.

7. The proposed dwelling would sit forward of the host dwelling and other properties that neighbour the appeal site to the north. However, the vast majority of properties in the vicinity of the appeal site are positioned very close to the footpath with an area of landscaping providing a buffer between the footpath and Lancaster Road. Therefore, I am not persuaded that it would appear out of context in that regard.
8. However, the scale and positioning of the dwelling within the proposed plot leaves very little space about the building. I agree that, despite its spatial shortcomings, the design of the proposal as a two storey dwelling would be acceptable and that the proposal would exceed the minimum internal space standards¹. However, the scale and siting of the proposal in relation to the plot size and its positioning close to its rear boundary would lead to the development having a somewhat cramped and discordant appearance.
9. Furthermore, although I accept that there is no requirement for a development to have all of its private garden area to the rear of the property, the location of the majority of the garden space to the side of the dwelling would further emphasise the limited depth of the plot and the cramped appearance of the proposed dwelling. Whilst there is some variety in the form and appearance of dwellings within the surrounding area, the siting of the dwelling in such a tight plot would appear at odds with the prevailing more open form of development within the vicinity, and thus would cause harm to the character and appearance of the area, which would be clearly visible from users of the footpath and from Lancaster Road.
10. In addition, Policy PMD2 of the Thurrock Borough Council Core Strategy and Policies for Management of Development 2015 (the Core Strategy) requires that private amenity areas are not only adequate, they should also be, amongst other things, an attractive area. Although the side garden area would have a width of some 12m when viewed from the front, and would meet the expectations of saved annexe A1.2 of the Thurrock Borough Council Local Plan 1997, it lacks sufficient depth to provide an adequate and attractive area for future occupants to utilise as a private garden area.
11. The quality of the amenity space would be further reduced through the land rising towards the footpath at the rear, the presence of mature trees within the site and its use for the storage of refuse bins. This leads me to conclude that the private amenity space would be a rather enclosed area that would be neither an adequate nor attractive space for future occupiers of the proposed dwelling.
12. Thus, the development would result in harm to the character and appearance of the area and the living conditions of future occupiers. It would be in conflict with Policies PMD2 and CSTP22 of the Core Strategy and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments contribute positively to the character of an area and provide a high standard of amenity for future users. In reaching this decision I have also had regard to the Essex Design Guide 2018.

¹ The technical housing standards – nationally described space standards March 2015

Other Matters

13. I acknowledge that there were no technical objections to the development and that no objections were raised by local residents. I also note that the development before me is as the result of a revised scheme following a previous refusal of planning permission by the Council. However, neither this nor any other material consideration that has been advanced outweighs the harm that I have identified above.

Planning Balance and Conclusion

14. The appellant states that the Council cannot demonstrate a five year supply of deliverable housing sites. In such circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless *"any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*
15. The proposal would boost housing supply in the Borough and there would be economic benefits resulting from the construction of the new dwelling and Council Tax receipts. The occupants of the dwelling are also likely to assist the local economy through additional spending in the area. There may also be social benefits from the provision of a dwelling which is in a location that is close to amenities, services and transport links, thereby limiting the need to travel. I also acknowledge that as a small windfall site, it could be developed out relatively quickly. Combined, given that the development is for a single dwelling, I would attach moderate weight to these benefits.
16. However, I have found that the proposal would be contrary to the development plan in that it would result in harm to the character and appearance of the area and the living conditions of future occupiers of the dwelling, to which I afford significant weight. Consequently, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the development plan.
17. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt

INSPECTOR