

Appeal Decision

Site visit made on 8 July 2021

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 JULY 2021

Appeal Ref: APP/M1595/D/21/3270247

23 Ridgeway, Grays, RM17 5TB

- 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 Ms Creanna Dodson against the decision of Thurrock Borough Council.
 - The application Ref 20/01298/HHA, dated 29 September 2020, was refused by notice dated 12 January 2021.
 - The development proposed is described as '*Retention of singlw [sic] storey rear summerhouse used as personal gymnasium*'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was made retrospectively. At the time of my visit, I saw that a building had been erected at the foot of the garden and was substantially complete externally. The application drawings show a single-storey building comprising an open-plan floorspace apart from a toilet and shower room in the far, right hand corner and with a high-level shelf fixed to the interior of the front elevation. It is shown to be located at the foot of the property's rear garden and in a central position. The building that has been erected is off-centre, positioned closer to the north side boundary of the plot. Internally, the building comprised bare plastered walls with no fixtures or fittings and subdivided to provide two rooms to the rear and a larger, open plan floorspace to the front, with a smaller room created to the front, left hand side. It had a conventional height ceiling with an open loft hatch.
3. There are significant and material differences between the building that exists and the building described '*as proposed*' that is shown on the application drawings, which I have taken into account. The description of development describes retention of the existing building. However, 'retention' is not an act of development. Therefore, and for clarification purposes, I confirm that I have considered the appeal based on the 'proposed' development as shown on the plans, rather than what has actually been built.

4. The appeal was originally made using incorrect forms. This was subsequently remedied by the appellant.

Main Issues

5. The main issues are the effect of the proposal on the character and appearance of the area, and upon the living conditions of neighbouring occupiers at Nos 21 and 25 Ridgeway, with particular regard to visual impact and privacy.

Reasons

6. The appeal property is a semi-detached dwelling within a residential area comprising similar type properties. Although the building is proposed to be single-storey, the pitched roof would be asymmetrical, with the front pitch facing back towards the rear elevation of No 23 and only very shallow. As a consequence, the eaves height would be unusually tall for a single-storey building. The result of this is that the front elevation would be overly large, bulky, and dominant within the rear garden setting.
7. The absence of any significant articulation or detail would contribute further to a building atypical of most traditional residential outbuildings and one that would appear intrusive and out of keeping in its setting. My findings are based upon the building shown on the application drawings which confirm to me that, due to its height and appearance, the proposal would be harmful to the character and appearance of the area, including in the outlook from the neighbouring occupiers of both adjoining properties from where it would be visually prominent and dominant.
8. Any outlook from the small windows would be limited. However, the plans show a large opening to the front elevation nearest to the boundary with No 25. It is reasonable to expect this to comprise a door and possibly window openings. In the absence of any specific details on the plans, I cannot be certain that use of this indoor space would not allow sight back towards the rear elevation of No 25 at fairly close quarters. This could have the potential to impact upon privacy within the first floor living space at No 25 beyond that which would normally be expected from normal use of this part of the garden.
9. Overall, I find that the building would fail to show a positive relationship with its rear garden setting or respect for the amenity of neighbouring occupiers, which would be contrary to the guiding principles for outbuildings that is set out within the Council's *Residential Alterations & Extensions SPD July 2017*. The harm that I have identified to the character and appearance of the area, and to the living conditions at Nos 21 and 25 Ridgeway means that there would be clear conflict with Policies PMD1, PMD2 and CSTP22 of the Council's Core Strategy and Policies for Management of Development (as amended) January 2015 insofar as they relate to the quality of design within the local context and the need to protect the amenity of neighbouring occupants.
10. I have noted the appellant's assertion that the building would be largely compliant with permitted development rights but there is no disagreement that the proposal before me requires planning permission and I have determined the appeal based upon the merits of the case.

Conclusion

11. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR