

Appeal Decision

Site visit made on 7 September 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 September 2021

Appeal Ref: APP/M1595/W/20/3259230

Land to the rear of 14 Corringham Road, Stanford Le Hope SS17 0AH

- 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 S Gokteke against the decision of Thurrock Council.
 - The application Ref 20/00610/FUL, dated 26 May 2020, was refused by notice dated 21 July 2020.
 - The development proposed is the demolition of existing single storey vacant garage unit into 2 storey 4 bedroom residential dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - the effect of the proposal on the living conditions of the occupiers of 3 to 5 Salisbury Avenue with particular regard to privacy and outlook;
 - whether the proposal would provide satisfactory living conditions for future occupiers with particular regard to private external space and the amount of daylight reaching the ground floor rear windows.

Reasons

Character and appearance

3. The appeal site is located to the rear of a parade of two storey premises with commercial uses at ground floor level. Whilst the site is not conspicuous in the street scene, it is readily visible along the fairly broad access between 14 and 16 Corringham Road. The existing building on the site lacks architectural merit, but is modest in scale and is typical of the buildings found in such locations. The presence of the neighbouring, larger, motor test centre building reinforces the predominantly commercial character of the site, notwithstanding the backdrop formed by residential properties in Salisbury Avenue.
 4. The proposed dwelling would occupy the full width of the site. At the rear, it would leave little space to the boundary with the Salisbury Avenue properties and, at the front, would sit forward of the existing building. As such, it would be significantly larger in scale and height than the existing building and more
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prominent in views from Corringham Road and the rear of the Salisbury Avenue properties.

5. Moreover, the massing and form of the proposed building, including its crown roof and blank flank wall, would contribute to its bulk. It is proposed to use modern timber cladding on the external walls. However, this material is not characteristic of the area and would do little to relieve the bulk of the building. Nor would its domestic appearance complement the essentially commercial character of the site. The appellant argues that the proposal would have less impact than the motor test centre building. However, that building is an established part of the commercial character of the immediate vicinity.
6. Consequently, I find that the proposal would have a harmful effect on the character and appearance of the area. Therefore, it would conflict with Policies CSTP22 and PMD2 of the Thurrock local Development Framework Core Strategy and Policies for the Management of Development (LDF). Together, these policies require high quality design which responds positively to local context, including local views and the creation of a sense of place. Nor would the proposal accord with National Planning Policy Framework (the Framework) paragraph 130 which has similar aims.

Living conditions of neighbouring occupiers

7. The rear wall of the proposed dwelling would be less than 3m from the common boundary with the Salisbury Avenue properties and some 17m from the rear walls of those properties. There would be rear facing first floor windows serving a bedroom looking directly toward the rear windows and gardens of the Salisbury Avenue properties at close range. This would result in an unacceptable loss of privacy for the neighbouring occupiers, since the views would be available over any fence erected on the boundary.
8. The two storey rear elevation of the proposed dwelling would span the full width of the site. Together with the blank flank wall, it would create an unduly bulky and imposing presence at close range in views from the rear windows and gardens of the adjoining Salisbury Avenue properties, to the detriment of the outlook of occupiers.
9. As such, the proposal would have a harmful effect on the living conditions of the occupiers of 3 to 5 Salisbury Avenue with particular regard to privacy and outlook. It would, therefore, conflict with LDF Policy PMD1 which requires proposals to protect the amenity of the area, particularly sensitive land uses such as housing. The proposal would also be contrary to Framework paragraph 130(f) which seeks a high standard of amenity for existing users.

Living conditions of future occupiers

10. The Council gives the size of the proposed private external space as 23sqm and its depth as 2.7m. These figures have not been disputed by the appellant. Saved Annex 1 of the Council's Borough Local Plan seeks a minimum private amenity space area of 125sqm with a depth of 12m for new dwellings with more than 100sqm floor area. The proposal falls significantly short of this standard. Even allowing for its town centre location, given that the size of the property would be suitable for households with children, I consider that the size of the external space would not provide future occupiers with satisfactory provision for activities such as play, sitting out, storage and the like.

11. The shallow depth of the external space and its enclosure by fencing and the flank wall of the adjoining motor test centre building would provide future occupiers with a highly constrained outlook and limit the amount of daylight reaching the ground floor rear windows. Overall, therefore the proposal would not provide future occupiers with satisfactory living conditions in terms of the size of the external space, or the standard of outlook and daylight reaching the ground floor rear windows. As such, it would conflict with LDF Policy PMD1 which requires proposals to ensure the amenity and health of future occupiers and with Annexe 1 of the Borough Local Plan insofar as it sets out the minimum size and depth of external spaces for new dwellings.

Other Matters

12. The appellant contends that the provided dwelling would have adequate internal living space and an efficient heating system and insulation. However, there is no firm evidence to show that the proposal would have particular benefits in these regards and, therefore, they do not weigh significantly in favour of the proposal. The appellant argues that the proposal accords with LDF Policies CSTP7 (Network of Centres), CSTP23 (Thurrock Character and Distinctiveness), PMD2 (Design and Layout), PMD8 (Parking Standards), PMD9 (Road Network Hierarchy) and SH10 (Non-Retail Uses in District and Local Shopping Centres). While the Council has not alleged conflict with these policies, nor is there substantive evidence to demonstrate that they provide positive backing for the proposal. Consequently, I can give little weight to the claimed support from these policies.
13. I have had regard to the other concerns expressed locally, but they have not led me to a different overall conclusion.

Planning Balance and Conclusion

14. The proposed dwelling would occupy a town centre location and make a modest contribution to the area's housing supply. To that extent, it would broadly accord with the aims of LDF Policies CSSP1 (Sustainable Housing Locations) and CSTP1 (Strategic Housing Provision). The Framework also seeks to boost the supply of new housing. However, there is nothing to indicate that the Council is unable to demonstrate a five year supply of housing or that the proposed dwelling would be affordable housing in the terms set out in the Framework Glossary. Therefore, I find that the limited housing supply benefits of the proposal do not weigh the harms set out above and the proposal would not amount to sustainable development.
15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR