
Appeal Decision

Site visit made on 23 September 2021

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 September 2021.

Appeal Ref: APP/M1595/D/21/3272821
51 Stephenson Avenue, Tilbury RM18 8XD

- 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 Ana Constantinescu against the decision of Thurrock Borough Council.
 - The application Ref 20/01727/HHA, dated 10 December 2020, was refused by notice dated 11 March 2021.
 - The development is a retrospective planning application for the construction of an outbuilding at 51 Stephenson Avenue.
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Decision

1. The appeal is allowed and planning permission is granted for the construction of an outbuilding at 51 Stephenson Avenue, Tilbury RM18 8XD in accordance with the terms of the application Ref 20/01727/HHA, dated 10 December 2020.

Procedural matters

2. The proposed outbuilding is in place. It appears to have been erected in accordance with the submitted plans.
3. The appellant has drawn my attention to the Council's recent decision to grant planning permission¹ for a development at the same address that is described as "demolition of existing garage and replace with outbuilding to be used as a gym and as storage space and rear covered seating area and patio [retrospective] and proposed revision to the roof design and height of the outbuilding." As few background details of this approved scheme were provided and it postdated the appeal submission I invited the main parties to make comments in relation to it although none were submitted.

Main issues

4. The main issues are whether the development provides satisfactory living conditions for the occupiers of the appeal property with regard to private amenity space and the effect of the proposal on the living conditions of the occupiers of 49 Stephenson Avenue with regard to light and visual impact.

Reasons

5. The appeal property is a 2-storey semi-detached house that has been externally altered and extended. At the rear of the main house is a sizeable ground floor rear extension together with an open-sided timber structure on a

¹ Ref 21/00635/HHA dated 6 July 2021

raised platform. Towards a rear corner of the site is also a detached single storey 'L' shaped outbuilding with a flat roof that is the subject of this appeal. According to the plans, the appeal outbuilding is for use as a gym and store. At the time of the site visit, the area of the outbuilding that is denoted 'temporary structure' on the plans was in use as a dog kennel.

Living conditions of the occupiers of No 51

6. From what I saw, No 51 stands within a good-sized plot. Consequently, even with the rear extensions to the main house and the appeal outbuilding in place, the open area left at the back of the dwelling to provide private amenity space (PAS) is reasonable in size. Open areas are also potentially available for PAS at the front and side of the main house. On that basis, there is no significant issue with regard to the overall amount of PAS available to serve the occupiers of No 51. The Officer's Report also accepts that the total footprint of the rear extensions and appeal outbuilding would not exceed the maximum threshold of 30% buildable curtilage that it says is outlined in the Thurrock Design Guide: Residential Alterations and Extensions SPD (SPD).
7. The PAS available between the rear of the existing dwelling and the appeal outbuilding could become an attractive and useable courtyard, patio or garden area. Having viewed this space in the context of the existing built form, I consider that it would be suitable for a range of day-to-day activities including sitting and eating out, drying clothes and children's play. Because the existing building and boundary fences visually enclose this PAS with good natural surveillance from the rear windows of the house it would be suitable for use by young children or as a pleasant area for the elderly to sit out. Furthermore, access to this PAS is also available directly from the house or externally from alongside the sidewall of the main dwelling.
8. Taken together, these considerations, which relate to the quantity, quality and usability of PAS, are important considerations to be taken into account and weighed in the planning balance. Having regard to these matters, I am persuaded that the provision of PAS to serve the occupiers of No 51 is satisfactory taking into account the existing rear extensions to the main house and the appeal outbuilding.

Living conditions of the occupiers of No 49

9. The flank wall of the appeal outbuilding is close to and parallel with the shared rear boundary with the attached property, which is 49 Stephenson Avenue. As the back of No 49 broadly faces north and the appeal building is well away from its rear elevation, any additional loss of natural light would be limited to the rearmost section of this neighbouring garden during the early part in the day. As the extent of additional overshadowing due to the appeal outbuilding would be modest in extent and duration, it would have no discernable effect on the living conditions of the occupiers of No 49.
10. The upper flank wall and roof of the appeal outbuilding projects noticeably above the boundary fence that separates No 49 and the site. Consequently, the development sought partly encloses the rearmost section of this neighbouring garden. It would be evident from both here and the rear windows of No 49 together with the sidewall and roof of the existing ground floor extension that projects outwards from the main rear wall. Even so, the appeal outbuilding is modest in height and placed well away from this

neighbouring dwelling. The main direction of outlook from the rear windows of No 49 across the back garden with the existing rear extensions of No 51 to one side would not be significantly affected. Consequently, the presence of the appeal outbuilding, while evident, would not be so imposing as to overbear on the occupiers of No 49 even when seen cumulatively with the existing extensions at the back of the appeal dwelling.

Conclusion on the main issues

11. On the main issues, I conclude that the development provides satisfactory living conditions for the occupiers of No 51 and that it does not cause significant harm to the living conditions of the occupiers of No 49. Accordingly, the development does not conflict with Policy PMD1 of the Core Strategy and Policies for the Management of Development and the SPD insofar as they aim to safeguard residential amenity.

Other matters

12. While the appellant has referred to the Council's recent decision to approve a development on the site (see paragraph 3 above) few details of that scheme have been provided. Consequently, I am unable to draw any meaningful conclusions from that decision given that it is unclear what, if any, parallels can be drawn with the development sought. In any event, I have assessed the appeal scheme on its own merits.

Conditions

13. As the development is complete, conditions requiring that the development be carried out in accordance with the plans and for matching external materials to be used, as suggested by the Council, are unnecessary. I share the Council's opinion that no other conditions are required.

Conclusion

14. For the reasons set out above, I conclude that the appeal should be allowed.

Gary Deane

INSPECTOR