

Appeal Decision

Site visit made on 14 September 2021

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2021

Appeal Ref: APP/M1595/W/21/3271028

Land adjacent 61 Cedar Road, Chadwell St Mary RM16 4SX

- 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 Yemi Ikuobolati against the decision of Thurrock Council.
 - The application Ref 20/01756/FUL, dated 16 December 2020, was refused by notice dated 23 February 2021.
 - The development proposed is erection of a 3-bedroom dwelling house, with integral garage and one parking space on the front driveway, secure area for bicycle parking, bin storage, boundary treatment, dropped kerb and associated landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A revised version of the National Planning Policy Framework was issued in July 2021. The parties were given the opportunity to comment on any implications with regard to the current appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed dwelling on the character and appearance of the appeal site and street scene;
 - the effect on the living conditions of the occupiers of No 61 Cedar Road, with regard to outlook and natural light; and
 - whether the proposal makes adequate provision for parking and, related to this, the effect on highway safety.

Reasons

Character and Appearance

4. No 61 is a two storey end-of-terrace dwelling in a residential estate of similar short terraces. The appeal site is the side garden to No 61.
 5. Policies PMD2, CSTP22 and CSTP23 of the Thurrock Core Strategy and Policies for Management of Development document (the Core Strategy) require development to respond to and respect the character of the area, and to provide a high quality of design. The *Thurrock Design Guide, Residential*
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Alterations & Extensions Supplementary Planning Document (SPD) provides detailed guidance in support of development plan policies. With regard to development on corner plots as in this case, it says that two storey extensions will only be acceptable where they do not project further than the building line on both streets. While the proposal involves a new dwelling rather than an extension, the principles of the SPD apply.

6. The appeal site is unusual within the street scene of this part of Cedar Road as other side gardens largely are enclosed by higher close-boarded fences. As such, the open side garden to No 61 is not a typical part of the overall pattern of development. The setback of No 61 does enable views of No 59 to the north, but this dwelling and its adjoining neighbours are separated from the terrace opposite by a wide area of grass that is typical of the layout of dwellings that are perpendicular to the road. Consequently, while the new dwelling would inevitably reduce the existing openness, it would retain a good degree of separation from the dwellings to the west.
7. Moreover, the terrace to the north would be visible from the public realm due to the limited projection of the new dwelling beyond the building line of this terrace, and due to the grassed area immediately west of the appeal site. The new dwelling would also retain a small area of garden between its side wall and the boundary. As such, it would not appear cramped in this residential setting and would not impinge on the footpath adjacent to the boundary. Indeed, the arrangement of the extended terrace would not be dissimilar to many other examples within the surrounding area. Therefore, any conflict with the principles of the SPD for extensions or new dwellings in this corner location would be limited and would not result in material harm.
8. Accordingly, taking these findings as a whole, I conclude that the proposed dwelling would not have an unacceptably harmful effect on the character and appearance of the appeal site or the street scene. Consequently, there is no conflict with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy, as described above.

Living Conditions

9. Policy PMD1 of the Core Strategy concerns minimising pollution and impacts on amenity. It states, amongst other criteria, that development will not be permitted where it would cause unacceptable effects on the amenity of others. The SPD says that extensions should not have an overbearing impact on adjacent properties or cause them to be excessively enclosed or over shadowed. The height of an extension should not exceed a vertical plane inclined at 45 degrees from the middle of the closest ground floor window of a neighbouring property; the depth and width should not normally exceed a horizontal plane inclined at 60 degrees from the middle of the closest window of a neighbouring property.
10. The nearest ground floor doors in the neighbouring property, No 61, serve the living/dining room. I accept the Council's contention that, due to the proximity of these doors the proposed extension would result in a breach of the 45 degree vertical plane and would significantly exceed the 60 degree maximum depth. As such, the proposal would be likely to result in a loss of natural light to this room and would harm the outlook from the door and from the rear

garden close to the house due to the proximity and overbearing appearance of the rear projection. However, I note that the appellant has been granted a certificate of lawful development for the same form of single storey projection at No 61 as would be built to the rear of the new dwelling¹. As such, this would overcome the Council's concerns and the appellant suggests that a condition could be imposed to require the extension to No 61 to be built at the same time as the new dwelling.

11. As No 61 appears to be owned by the appellant, a condition to this effect would be reasonable and necessary to address the potential long-term effects of the new dwelling on the neighbouring living conditions. With such a condition in place, I conclude that the proposal would not have a materially harmful effect on the living conditions of the occupiers of No 61 Cedar Road, with regard to outlook and natural light. Therefore, there is no conflict with Policy PMD1 of the Core Strategy, as described above.

Parking and Highway Safety

12. Policy PMD8 of the Core Strategy requires all development to provide a sufficient level of parking. The proposal is for two off-street spaces, one in the form of an integral garage, the other as a parking area in front of the garage, accessed via a new dropped kerb.
13. The main parties concur that the garage would not meet the requisite standard, which is referred to as 7 metres by 3 metres. While the appellant contends that the shortfall is marginal, the garage would be some 2 metres below the required length. While this might enable small vehicles to be parked, the fact is that the size is well below the expected standard and would, in my view, be more likely to result in the garage not being used for its intended purpose. Moreover, the Council indicates that the minimum depth of a driveway in front of a garage should be 5 metres; the proposed space falls short of this by over a metre.
14. There is one other example of a nearby property, No 67, with the same size of front parking area and a dropped kerb. However, this is an exception to most off-street parking at surrounding properties, which is of greater depth and enables vehicles to be parked perpendicular to the property. I accept that a vehicle could be parked in this space, but given the fact that both of the proposed parking spaces are below the expected standard, particularly the garage, this is likely to result in some demand for on-street parking resulting from occupation of the new dwelling.
15. At the time of the inspection during the daytime there was a relatively high number of vehicles parked on the street close to No 61 and neighbouring properties. It is likely that demand would increase beyond this level during the evenings and at weekends. The proposed dwelling would both further increase this demand and reduce the available on-street spaces by provision of a dropped kerb in a location where parking already occurs. This will add to the parking constraints in this location, which is likely to effect the free flow of traffic along this part of Cedar Road. As such, the proposal would have a materially harmful effect on parking and highway safety through the

¹ Ref 20/01682/CLOPUD.

inadequate provision made on-site. Consequently, it is contrary to Policy PMD8 as described above, and to Policies PMD2 and PMD9 of the Core Strategy, which, respectively, require development to meet relevant layout and access standards, and require that road safety is not prejudiced.

Other Matters

16. I have had regard to the representations made by interested parties. These do not, however, raise any additional matters in relation to the main issues that would lead me to reach a different overall conclusion.

Conclusion

17. I have found in the appellant's favour with regard to two main issues, concerning the effect of the proposal on character and appearance, and on living conditions. However, this is not sufficient to outweigh the fact that the proposal is contrary to the development plan as it would have a materially harmful effect with regard to parking. There are no other material considerations that outweigh the conflict with the development plan. Accordingly, it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR