
Appeal Decision

Site visit made on 11 July 2022

by M Ollerenshaw BSc(Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 August 2022

Appeal Ref: APP/M1595/W/22/3290157

50 Giffordside, Chadwell St Mary RM16 4JA

- 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 Wojciech Bien against the decision of Thurrock Borough Council.
 - The application Ref 21/01611/FUL, dated 16 September 2021, was refused by notice dated 15 November 2021.
 - The development proposed is for the part demolition and proposed single storey rear extension and new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the character and appearance of the area.

Reasons

3. The appeal site comprises a two storey end terraced dwelling with a large flat roofed garage which is wider at the front than the rear due to the tapered side wall. A public footpath adjoins the western site boundary and links Giffordside and Linford Road. The latter is elevated relative to the appeal site and allows views towards the rear of the property. In common with other dwellings on this road, the appeal property is set back with a driveway to the front and a private garden to the rear.
4. The surrounding area is of established residential character with a mix of two storey terraced and semi-detached dwellings. Although there are staggered building lines and some small front extensions, the simple, rectangular footprint of properties results in an uncomplicated and well-proportioned form, which contributes positively to a harmonious and ordered character to the area.
5. The proposed dwelling would be built up to the side boundary with the public footpath which would result in an irregular footprint, featuring a dog leg to the flank wall, with the front elevation of the dwelling being noticeably wider than the rear. Whilst this would maximise the width of the plot, it would result in a contrived and awkward arrangement that would be at odds with the simple rectangular form and architectural rhythm of buildings on Giffordside. Although the proposal would be built on the footprint of the existing garage which has an irregular footprint, the existing structure is less prominent in the street scene due to its modest height.

6. The proposal would be highly prominent from the adjacent public footpath and would also be clearly visible from Linford Road to the rear. From these vantage points the form of the proposed dwelling would result in an incongruous addition that would fail to reflect the pattern of development on this road and be harmful to the established street scene.
7. The appellant refers to a similar development at 1 Furness Close. However, that development relates to an extension to the property rather than a separate dwelling. It is notably smaller than the appeal proposal and does not feature the awkward dog leg to the side wall that the appeal scheme includes. As such, it is not directly comparable to the appeal proposal or the harm that it would cause and therefore does not provide a precedent for allowing the appeal scheme.
8. The appellant also refers to a possible revision to the scheme involving a set back from the boundary wall or a different roof design. Whilst that may address the Council's concern that the roof of the proposed dwelling would overhang the footpath, it would not sufficiently mitigate the harm to the character and appearance of the area arising from the overall form and design of the proposal.
9. For the above reasons, I conclude that the proposed dwelling would be harmful to the character and appearance of the area. Hence, it would be contrary to Policies PMD2 and CSTP22 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (2015) (the Core Strategy), which, amongst other things, require development to respond to the sensitivity of the site and its surroundings and be of high quality design. The proposal would also conflict with paragraphs 126 and 130 of the National Planning Policy Framework (the Framework), which, amongst other things, seek high quality development that is sympathetic to local character.
10. The appeal scheme includes a proposed single storey extension to the rear of the existing property. This aspect of the scheme would represent a modest addition which would be in-keeping with the host property and the surrounding area and would have no significant adverse effect on the attached neighbour's living conditions. This element of the scheme would accord with Policies PMD2 and CSTP22 of the Core Strategy and paragraphs 126 and 130 of the Framework. I have considered whether a split decision could be issued for the single storey rear extension, however, such a decision is not possible in this case as the extension would not be physically separate from the proposed new dwelling.

Other Matters

11. The appeal site falls within the Zone of Influence of the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) in relation to the Thames Estuary and Marshes Special Protection Area (SPA), and therefore requires its own environmental impacts to be mitigated. The Council would have requested financial contributions to mitigate the impact of recreational disturbance on the SPA if it had found the scheme to be acceptable. However, as I am dismissing the appeal for other reasons, there is no need for me to consider this matter further.
12. The proposed development would offer potential benefits in terms of providing a new dwelling in an accessible location. The scheme would also have economic

benefits through employment opportunities created during the construction phase of the development and spending in the local area by future occupants. The single storey rear extension would provide enlarged accommodation for the occupiers of No 50. However, the weight attributable to these matters is limited given the modest scale of the development proposed and would be outweighed by my findings as to the harm which would be caused.

Conclusion

13. The proposed development would not accord with the development plan as a whole and there are no other considerations, including the Framework, that indicate that I should take a different decision other than in accordance with this. I therefore conclude that the appeal should be dismissed.

M Ollerenshaw

INSPECTOR