



Appeal Decision

Site visit made on 5 July 2022

by P B Jarvis BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 August 2022

Appeal Ref: APP/M1595/D/22/3294714

249 Princess Margaret Road, East Tilbury RM18 8SB

- 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 Karolis Navikas against the decision of Thurrock Borough Council.
 - The application Ref 21/01979/HHA, dated 18 November 2021, was refused by notice dated 9th February 2022.
 - The proposed development is the demolition of side extension and conservatory and erection of one storey side and one storey rear extension, erection of new brick wall with access gates to the front yard/garden and erection of new shed/gym in the rear garden.
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Decision

1. The appeal is dismissed in respect of the erection of the new shed/gym in the rear garden.
2. The appeal is allowed and planning permission is granted in respect of the demolition of side extension and conservatory and erection of one storey side and one storey rear extension, erection of new brick wall with access gates to the front yard/garden in accordance with the terms of application ref: 21/01979/HHA dated 18 November 2021 and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: A01 Rev.A (existing ground, first floor plans, elevation and section views); A02 Rev.B (proposed ground, first floor plans, elevation and section views); A04 Rev.B (proposed plans and elevations showing new wall to front garden, 1:1250 location plan and 1:500 block plan).
 - 3) The materials to be used in the external surfaces of the development shall match those used on the existing dwelling.
 - 4) Development in respect of the new brick wall with access gates to the front of the site shall not commence until further details of the pedestrian visibility splays to include details of the height of boundary features have been submitted to and approved in writing by the Local Planning Authority. The new wall and gates shall thereafter be implemented in accordance with the approved details.

Main Issue

3. Having regard to the Council's decision notice, it is clear that the Council had no objection in principle to the proposed extensions and new brick wall with gates to the front boundary.
4. The main issue is therefore the effect of the proposed outbuilding on the character and appearance of the East Tilbury Conservation Area.

Reasons

5. The appeal property is a semi-detached property set within a wide plot. It is one of a number of similar semi-detached dwellings that lie along both sides of Princess Margaret Road which is a relatively busy main road. The semi-detached dwellings are of fairly uniform appearance with brick elevations, many with original glazed panels to the front door, and hipped tiled roof laid out in a regular pattern providing a distinctive character to the area.
6. The appeal site and surroundings lie within the East Tilbury Conservation Area which developed predominantly between the 1930s and the 1960s for the British Bata Shoe Company Ltd. as a planned development of mid twentieth century housing that combines Garden City planning and Modernist architecture.
7. The Council's East Tilbury Conservation Area Character Appraisal (2007) (CA) notes that the site lies within Area 5 -Princess Margaret Road and states: "*The properties in this area are the most recent, having been built during the 1960's. They are wide fronted and set well back from the road line in spacious gardens. Princess Margaret Road forms the entrance and gateway into the Conservation Area. Many of the gardens are well maintained and have mature trees, which is important to the amenity value and overall character of the estate.*"

Impact on character and appearance of proposed outbuilding

8. The proposed outbuilding would occupy a large proportion of the property's rear garden area albeit sited towards the southern corner. However, as a result of its size, it would be unduly dominating within its context. Furthermore, whilst it would be of brick elevations to match the host building, it would have a very low pitched roof, almost flat. This would be at odds with the host dwelling which has a hipped tiled roof and would introduce a building that would be out of character within its context.
9. In addition, when taken together with the proposed decking, the proposal would result in built development occupying the majority of the garden area. Overall, this would be to the detriment of the character of the area which, as identified in the CA, is noted for the contribution that the undeveloped natural garden areas make and its distinctive architecture.
10. I therefore find that the proposal would fail to preserve or enhance the character or appearance of the East Tilbury Conservation Area. It would thereby conflict with Policies PMD2, CSTP22, CSTP23 and CSTP24 of the Thurrock Core Strategy (2015) which seek to ensure that development preserves or enhances the historic environment and is the most appropriate for the heritage asset and its setting and which seek high quality development that responds to the sensitivity of the site and its local context

11. With regard to the National Planning Policy Framework, I find that the proposal would result in less than substantial harm to the significance of the heritage asset and this harm is not outweighed by public benefits. I note that the Appellant appears to suggest that the decking could be erected as permitted development, but there appears to be no lawful development certificate to confirm this. In any event, I consider that the impact of the outbuilding on its own is sufficiently harmful to fail to preserve or enhance the character or appearance of the conservation area.

Other Matters

12. As indicated above, the Council had no objection to the other elements of the proposal, that is the single storey extensions and front boundary wall and gates. I concur and consider that the proposals would comply with the above relevant CS policies, including those which seek to protect the amenity of the occupiers of neighbouring properties.
13. These elements are physically separate and severable from the above elements and therefore a split decision can be issued. I note that the highway officer sought changes to ensure safe pedestrian visibility and that these could be secured via condition. Conditions are also necessary to relate to the approved plans and to ensure that matching materials are used are necessary in the interests of proper planning and the visual amenity of the area.

Conclusions

14. I therefore conclude that this appeal should be dismissed in part dismissed and allowed in part.

P Jarvis

INSPECTOR