



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: 22nd August 2022

Appeal Ref: APP/M1595/W/21/3287103

14 Diana Close, Chafford Hundred, Grays RM16 6PX

- 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 Mrs Petya Kostova against the decision of Thurrock Borough Council.
 - The application Ref 21/00646/FUL, dated 19 April 2021, was refused by notice dated 13 September 2021.
 - The development proposed is change of use of amenity land to residential and the re-siting of the boundary wall.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as stated on the Council's decision notice as this is more precise than the description given on the application form. The appellant raises no specific objection to that description, which they have subsequently used in their appeal form and statement.

Main Issues

3. The main issues are the effect of the development proposed on the character and appearance of the area, and the effect of the proposal on highway safety.

Reasons

Character and appearance

4. The appeal site comprises a two storey detached dwelling located on Diana Close with its north-western side elevation facing Camden Road. The property includes a front garden and driveway and a larger garden to the rear. There is an open landscaped area adjoining the highway to the side of the property which is separated from the rear garden by a high brick wall. It is proposed to change the use of part of the open landscaped area to garden to be used in association with the existing house, and the proposal includes the re-positioning of the rear boundary wall to enclose the extended garden.
 5. Properties in the surrounding area, including the appeal property itself, are generally set back a small distance from the road with open front gardens. Some properties have low level planting or fencing to the front and some of those located on corner plots have landscaped areas to the side. This gives the area a spacious, verdant appearance which contributes positively to the character of the residential area.
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6. The erection of the proposed 0.5m high railings to the front of the property would not be harmful to the street scene, where there are already examples of low boundary treatments to property frontages. However, the height of the re-positioned wall and its proximity to the pavement would result in a solid and dominant barrier within the street scene. Whilst the wall would be set back 1m from the pavement leaving a narrow grass verge, it would nevertheless create a prominent and uncharacteristic sense of enclosure at odds with the open character of the estate. The proposal would result in the loss of a sizeable part of the open landscaped space which contributes to the character and appearance of the area. That would be harmful to the established street scene. There are examples within the wider area of boundary treatments and landscaping up to the edge of plots, but they are not viewed in the same context as the appeal scheme.
7. The appellant indicates that they would consider planting a green wall. However, there is no detailed proposal before me in this regard and I am not persuaded that the use of a green wall would overcome the harm to the character and appearance of the area which would arise principally by virtue of the height and positioning of the wall.
8. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the area due to the height and positioning of the boundary wall and the loss of part of the landscaped area to the side of the property. Accordingly, the proposal would be contrary to the Council's Supplementary Planning Document: Thurrock Design Guide Residential Alterations and Extensions (2017) and Policies PMD2 and CSTP22 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (2015) (the Core Strategy). Amongst other things, these policies and guidance 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 the National Planning Policy Framework (the Framework) which, amongst other things, seeks high quality development that is sympathetic to local character.

Highway safety

9. The appeal site is located at the junction of Diana Close and Camden Road at a point where forward visibility for drivers travelling along Camden Road is already limited to some extent due to the bend in the road. The Highway Authority indicate that the land to the side of the appeal property has been kept clear to maintain sufficient forward visibility. There is planting to the side of the appeal property which reduces driver visibility when emerging from Diana Close onto Camden Road to a limited extent.
10. The height of the proposed wall and its proximity to the highway would to some extent reduce forward visibility for drivers travelling southbound on Camden Road. The proposal would also reduce visibility for drivers emerging from Diana Close onto Camden Road as the wall would partly block the line of sight to the south. I accept that speeds are likely to be relatively low due to the residential nature of the area and the bend in the road. However, based on the evidence before me, I cannot be satisfied that the proposal would not result in a potential hazard to highway safety by reason of reduced visibility.
11. For the above reasons, I conclude that the proposal would be harmful to highway safety by increasing the risk for road users. It would therefore conflict

with Policy PMD9 of the Core Strategy which, amongst other matters, seeks to ensure that road safety is not prejudiced.

Other Matters

12. Whilst the landscaped open area to the side of the property may be used by pedestrians as a short cut and is said to accumulate litter, these factors do not diminish the contribution that it makes to the character of the area to the extent that would justify the appeal proposal.
13. The appellant argues that the proposed change of use would optimise the potential of the site and ensure that it is put to effective use for the enjoyment of the occupiers of the property. However, this would be at the expense of the character and appearance of the area and detrimental to highway safety. Therefore, these considerations would not outweigh the harm that I have identified.

Conclusion

14. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

M Offerenshaw

INSPECTOR