



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: 06 September 2022

Appeal Ref: APP/M1595/W/22/3291441

5 Malpas Road, Chadwell St Mary, RM16 4QX

- 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 Wayne Nelson against the decision of Thurrock Borough Council.
 - The application Ref 21/01629/FUL, dated 25 November 2021, was refused by notice dated 21 January 2022.
 - The proposed development is a single one bed eco house for the over 55's.
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Procedural Matter

1. It would appear that the Appellant has submitted further plans with the appeal submission which were not taken into account in the Council's decision. However, these amended plans do not propose material changes to the scheme and as there is no prejudice to any third party interests, I have taken them into account in the decision. For clarification, I have also taken into account an updated Design and Access Statement (dated 4 December 2021).

Decision

2. The appeal is dismissed.

Main Issues

3. The main issues are the effect on (a) the character and appearance of the host dwelling and wider street scene and (b) highway safety arising from the parking and access arrangements.

Reasons

4. The appeal site comprises the generous sized side garden area of an end terraced property within a residential area. It is located at the end of a cul-de-sac adjacent to the turning head set at right angles to the road. The wider street scene of Malpas Road is characterised by long terraces of dwellings with some shorter terraces to the west, including that adjacent to the appeal site, which front a grassed area and footpath leading to the adjoining road to the north, Ingleby Road.
5. The proposal would involve an 'extension' to the terrace into the side garden to form a new two storey one bed dwelling continuing the ridge height, pitched roof form and depth of the two storey element of the existing terrace with single storey element to the rear.

Character and appearance

6. The proposed dwelling would occupy around half the width of the garden area to the side of the dwelling. A reasonably generous space would remain around the proposed dwelling and it would be set back a minimum of 3.8 metres (at the front) from the road widening to the rear corner.
7. The Council's Residential Alterations and Extensions SPD (2017) (RAE) contains detailed guidance relating to the extension of existing dwellings. The Council refers specifically to paragraph 5.3.2 where it states that two-storey side extensions are generally not considered acceptable where the existing layout of detached or semi-detached housing is protected townscape; it goes on to set out the circumstances in which they may be appropriate. It is unclear whether the existing layout is 'protected townscape' as this does not appear to be defined, and, in any event, the area is characterised by terraced dwellings. Therefore, it seems to me, that this part of the RAE is of limited relevance. However, it does state that on a corner plot, particular attention should be paid to how the extension will make a positive contribution to the corner including considering landscaping and the side façade and that it should respect to the context of the street, preserving gaps between buildings and rhythm of roof profile where these are characteristic of the area.
8. The end terraced dwelling to which the proposal would be attached is set further back from the road frontage than the terrace of dwellings to the east such that the proposed dwelling would not appear unduly prominent in views approaching the appeal site from this direction along Malpas Road, albeit would be closer at the front corner. However, relatively generous spacing would be maintained around the proposed dwelling so that overall, it would respect its context and would not appear unduly prominent.
9. As noted above, the proposal would reflect the form of the existing pitched roof terrace with complementary external materials. The comparatively narrow width of the dwelling would not in my view be particularly noticeable but the position, size and design of the ground floor openings within it would appear cramped and would not reflect the rhythm and pattern of the adjoining terrace.
10. With regard to the side facade, which would present the main elevation facing Malpas Road, this would contain only one window opening at first floor level, presenting a bland flank elevation and thus contributing little to this street scene. Whilst appropriate planting could be secured via condition, the proposal would result in a poor design in this regard.
11. Overall, the design and appearance of the proposal would fail to respond appropriately to the site and its context so as to ensure high quality development.
12. I therefore find that, for the reasons set out above, the proposal would have a harmful impact on the character and appearance of the host property and the wider area. It would thereby conflict with Policies PMD2, CSTP22 and CSTP23 of the Thurrock Core Strategy (2015) (CS) which seek high quality development that responds to the sensitivity of the site and its local context and protects the character of the area whilst optimising the potential of the site to accommodate development. It would fail to satisfy the aims and objectives of the RAE. I also find that it would not satisfy the National Planning Policy

Framework (the Framework) which seeks well designed places that function well and are sympathetic to local character.

13. I have been referred to a previous appeal decision that related to a proposed dwelling to the side of 5 Malpas Road. The Inspector noted that the proposed dwelling in that case would extend across most of the plot with a limited set back from the road. It appears to be materially different to the current scheme.

Parking and access

14. The site layout plan shows one parking space for the existing dwelling, located to the rear of the sit, and one for the proposed dwelling, located to the front of the site. The proposed parking to the rear would be sited at an angle to the rear service road from which it would be accessed. At the site visit I saw that there is room for cars to turn within this rear service road such that the parking space could be accessed relatively safely. In any event, I am satisfied that any outstanding concerns in terms of visibility and use of the spaces, as well as ensuring that the appropriate number of spaces are provided, could be secured via condition in the event the appeal were allow. This would include, ensuring an appropriate position for the single parking space to the front of the site.
15. I therefore conclude that the proposal would not result in any unacceptable harm to highway safety and would thus comply with CS policies PMD2, PMD8 and PMD9 which seek to facilitate accessible development, that reduces risks of inappropriate on-street parking and minimises new or increased use of accesses that prejudice road safety.

Other Matters

16. Although not a reason for refusal, the Council's officer report notes that the site lies within the Essex Coast RAMS zone of influence. This also states that the in-combination effect of recreational disturbance on the Thames Estuary and Marshes Special Protection Area (SPA) could be mitigated by an appropriate financial contribution towards the approved mitigation strategy. This would need to be secured via planning obligation. The officer report also suggests that the Appellant confirmed agreement to make such a contribution. However, no completed planning obligation agreement has been provided with the appeal. No other form of mitigation has been suggested by the Appellant. Therefore, the potential significant harm to the SPA arising would not be mitigated.

Planning Balance

17. The Council is unable to currently demonstrate a five year supply of housing. Therefore, paragraph 11d of the Framework applies. In this instance, given the above issue, there are relevant Framework policies that protect areas or assets of particular importance that provide a clear reason for refusing the proposed development. In this case paragraph 180 of the Framework makes clear that if significant harm to biodiversity cannot be adequately mitigated, then planning permission should be refused. This means that it is not necessary to carry out the 'balancing' exercise set out in paragraph 11d)ii). As such, the development does not benefit from the presumption in favour of sustainable development and thus this does not weigh in favour of the proposal.

18. The proposal would incorporate a number of 'eco' credentials including solar pv cells and heat pump unit. In addition, it would meet a specific need for small unit accommodation for occupation by the over 55's, which is in short supply in the area, in a sustainable location. It would thus contribute towards the economic, social and environmental objectives of sustainable development. However, these benefits are not sufficient to outweigh the harm identified above and the resultant conflict with the development plan.
19. Other matters such as the lack of neighbour objection, the provision of satisfactory internal space and satisfactory relationship with neighbouring dwellings are neutral issues that do not weigh in favour of the appeal scheme.

Conclusion

20. I therefore conclude that this appeal should be dismissed.

P Jarvis

INSPECTOR