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## Appeal Decision

Site visit undertaken on 7 September 2022

**by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 24TH October 2022**

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**Appeal Ref: APP/M1595/D/22/3299258**

**363 London Road, South Stifford, Grays RM20 4AA**

- 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 Claudia Luna against the decision of Thurrock Council.
  - The application Ref 20/01631/HHA, dated 22 November 2020, was refused by notice dated 25 March 2022.
  - The development is described as retrospective application for a lean-to extension along the side of the house.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The application is made retrospectively, meaning the works have already been carried out. Whilst the application form states that the works were completed on the 4 September 2020, this would not appear to be the case. The application form states that the roof and wall of the extension would be constructed with timber studwork with polycarbonate infill panels. On my site visit I noticed that the timber studwork frame had been erected, along with a polycarbonate roof. However, the dividing wall between No.363 and No.365 had infill panels made of a thin plastic sheet. Despite this, I have made my determination based upon the side wall being polycarbonate as per the roof, rather than the current plastic sheet.

### Main Issues

3. The main issues are the effect of the development upon:
  - The character and appearance of the host building, including the surrounding locality; and
  - The effect of the development on the living conditions of the existing and future occupiers of No.365 London Road as a result of sense of enclosure.

### Reasons

#### *Character and Appearance*

4. The appeal property is a mid-terraced property in a group of 9 dwellings which were constructed as a single phase with each dwelling having a two storey rear wing that has a lean two roof that is the 'bookend' with the neighbouring dwelling. The original form and appearance of the rear of the dwelling is still evident with only small alterations in the form of single storey lean-to

extensions from the two storey wing, leaving the accessway in between undeveloped. Each of the dwellings have a long and narrow rear garden that accesses an alleyway to the rear with views over the rear gardens including the appeal site possible from East Street which lies to the west. The openness of the rear gardens towards the public realm, together with the functional architectural detailing of the traditional Victorian terraces with feature chimneys and chimney pots and intact roof planes along with vegetated rear gardens helps to reinforce the character, appearance and local distinctiveness of this particular locality. There has been the installation of some materials such as uPVC which do not reflect the authenticity of such a street scene and which is not a positive component of the character and appearance of the area.

5. The Thurrock Core Strategy and Policies for Management of Development (CSPMD) Policy PMD2 and Policy CSTP22 are design led policies which have a number of design criteria to adhere to such as being high quality, renewable and low emission technology, respond positively to the character of the area, promote continuity, amongst others. The Thurrock Design Guide Residential Alterations and Extensions Supplementary Planning Document (SPD) supports the design policies of the CSPMD and provides further guidance on residential extensions, their design and placement.
6. Comments are made in the applicant's Statement of Case that the appeal should be approved because there are no formal character designations applicable to the area, and therefore no harm can be attributed to character, and that appearance is only assessed via the public realm; and that the standard of the development is an irrelevant consideration. Reading CSPMD Policies PMD2 and CSTP22, and the accompanying SPD I can see no reference to character and appearance only being applied to views from a public realm, nor that because a property is not designated officially by a conservation area etc, that no harm could be caused or that in some way, that character or elements such as high quality design do not matter as a result.
7. It is quite clear that high quality design is an essential component of character and appearance which is sought to be achieved through the application of planning policies PMD2 and CSTP22 including the SPD. Whilst there is no definition of what 'high quality' means, materials are an important consideration as to their authenticity, quality, and longevity, amongst other considerations. Whilst I appreciate that polycarbonate is an increasingly utilised material, as evidenced in the surrounding area it is quite a poor quality and a temporary product that does not last the test of time and has a very poor appearance within a relatively short timeframe. Evidence of this can be seen on surrounding properties where polycarbonate has been utilised and the poor and makeshift appearance that this has created.
8. I have been presented with a number of sites in the surrounding area that have had similar infill constructions<sup>1</sup> which seeks to show precedence in the Council's decision making. The circumstances of approval of each of these schemes, when they were constructed (or whether they have approval) has not been submitted with the appeal documents, with some of the photos not being as clear as to indicate the exact materials being utilised. Some of the examples do however help illustrate how the use of poor quality materials can have a detrimental impact towards the character and appearance of the host dwelling

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<sup>1</sup> Nos 381 and 383 London Road; No.48 London Road; No.1 Foxton Road; 17 Charltoo St; Nos 31 and 33 Charlton St

and of the locality, and perhaps demonstrate why such materials as polycarbonate is not an appropriate material in this circumstance. As such the examples provided do not lend support to appropriateness of the current scheme.

9. I agree with the applicant that the framework as well as the size and form of the extension with the lean-to roof is subservient to the host dwelling and relatively lightweight in appearance when compared to a brick structure; and the height of the extension is lower than the cill of the first floor window as suggested by the SPD. However, the use of polycarbonate as evidenced on the roof could not be considered high quality and presents a poor quality and makeshift appearance not in keeping with the architectural integrity or authenticity of the host dwelling or the surrounding locality.
10. As such, taking the above into account, the scheme would not be appropriate and would be detrimental to Policies CSPMD Policies PMD2 and CSTP22, and the accompanying SPD, as described previously.

#### *Living Conditions*

11. As is typical for many terraces of this era, the rear garden of the appeal site as well as to the remaining terraced dwellings is long and narrow. No.365 repeats the inverse of the footprint of the appeal site's dwelling and has its access pathway beside the wing running along the boundary with the appeal site. The neighbouring property also has a two storey rear wing and additionally a single storey rear extension attached to the two storey rear wing. It would appear that the window facing the extension at the ground floor of No.365 is used as a kitchen with the ability to sit and therefore would constitute a habitable room and would be the only window serving natural light into this room.
12. I have not been presented with a report such as a daylight report which shows the neighbour's Vertical Sky Component or the plotting of a no sky line to determine the difference between the existing and current situation. Despite this, from viewing the extension on my site visit, the combined height and appearance of the scheme, despite the translucency, is more noticeable to the neighbouring residents from the ground floor window of the rear wing as opposed to a boundary fence. However I am not convinced that the scheme is constructed to a level where the extension causes unacceptable impacts to the amenity of the neighbouring resident as a result of sense of enclosure. As such, I find no reason that the scheme causes adverse detriment to the living conditions of the neighbouring dwelling at No.365.
13. Consequently, I therefore conclude on this matter that the scheme does not cause unacceptable impacts to the living conditions of No.365 and is therefore compliant with CSPMD Policy PMD1 which seeks that development not cause unacceptable effects to the amenity of neighbouring occupiers.

#### **Conclusion**

14. Whilst I have agreed with the applicant for the second reason of refusal with regards to living conditions, this is not sufficient to outweigh the harm caused to the character and appearance of the host building and the locality. For these reasons, and having considered all matters raised in evidence and from what I saw during my site visit, I conclude that the appeal should be dismissed.

*J Somers*

INSPECTOR