
Appeal Decision

Site visit made on 7 September 2022

By Terrence Kemmann-Lane JP DipTP FRTPI MCMi

an Inspector appointed by the Secretary of State

Decision date: 25 October 2022

Appeal Ref: APP/M1595/D/22/3294723

The Coach House, 7 The Green, Orsett, Grays, RM16 3EX

- 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 Dr Marina Gorodeckis against the decision of Thurrock Borough Council.
 - The application Ref. 21/01310/FUL dated 22 July 2021, was refused by notice dated 16 November 2021.
 - The development proposed is the conversion and extension of existing garage to an annex to the main house allowing for step free and wheelchair access with two bedrooms and two bathrooms while the neighbours garage access remains unchanged.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion and extension of existing garage to an annex to the main house allowing for step free and wheelchair access with two bedrooms and two bathrooms while the neighbours garage access remains unchanged at The Coach House, 7 The Green, Orsett, Grays, RM16 3EX in accordance with the terms of the application, Ref 21/01310/FUL, dated 22 July 2021, subject to the conditions set out in the schedule at the end of this decision.

Preliminary matter

2. For the avoidance of doubt, the appeal proposal before me is for an 'annex to the main house', as set out in the description of the development proposed, in the heading above, and is not for any sort of guest house or other independent residence.

Main Issues

3. The main issues in this case are: i) the effect of the proposal on the character and appearance of the site and the Orsett Conservation Area, and ii) the effect of the proposed parking spaces on the safety and convenience of highway users, particularly pedestrians.

Reasons

4. The existing dwelling on the appeal site is a one and a half storey brick property, which was originally constructed as a stable block in the late

nineteenth century. The building is located within Orsett Conservation Area and is accessed from the north side of The Green. The site is accessed by a narrow single width track from the highway of The Green. The property is bounded on all four sides by residential properties. More immediately, to the west of The Coach House are a pair of garages with a pitched roof spanning both. The westward one is owned in conjunction with No.37 High Road (to the north), the garden of which extends to the rear of this garage, with access being gained by right of way over the access to the appeal property from The Green. The eastern garage is the subject of the appeal proposal.

The effect of the proposal on the character and appearance of the site and the Orsett Conservation Area

5. The proposal would increase the width of the appellant's garage to 4m and increase the depth to 7.7m, leaving the other garage with a width of 2.6m and a depth of 6.1m. The proposed building would extent 1.6m forward of the existing garages. It is proposed that both garages would share the same roof structure which would be raised by 0.518m, with the ridge positioned to the east of the present alignment. There is an objection from the owner of the attached garage who refers, among other matters, to the stress that the development would cause. I can appreciate this point, but the ownership issues are a civil matter between the parties and are not a planning matter for me.
6. The proposal is within the Orsett Conservation Area, and I am told that there are a number of listed buildings in the vicinity. However, the map provided to me "MAP 6 - Location of Listed Buildings, Schedules Ancient Monuments and Conservation Areas" is not at a scale that enables me to identify the boundaries of the conservation area, or the location of the listed buildings. Neither have I been provided with the addresses of the listed buildings.
7. The appellant's appeal statement suggests that there are Grade II houses next to the modern church – which I take to be a reference to 'Orsett Community Church'. I viewed these houses at my site visit. In any event, bearing in mind the location of the proposal, and its modest scale tucked away at the end of a narrow drive, I am satisfied that there would be no harm to any listed buildings or their settings arising from the appeal development.
8. When looking along the access drive from The Green, essentially all that can be seen of the 2 garages that are affected by the proposal is the front of the garage to the west – the one that is in separate ownership – and a small part of the brickwork between the 2 garage doors. If the proposal were built, my judgment is that it would be possible to see a small amount of the west roof plane rising to at a more acute angle than at present, but this would be almost imperceptible from the main public area of The Green itself. The occupiers of the 4 houses that gain access to the rear of their properties would of course be able to see the total development, as would the owner of the adjoined garage (when in the vicinity of the garage). However, in terms of the effect on the character and appearance of the site and the Orsett Conservation Area, this is minimal and would not warrant refusal of permission.
9. There is also an objection raised to the use of dormer windows to serve the first floor of the proposal, on the basis that there are a limited number of dormers within the Conservation Area, so not a common characteristic of the area. However there are 6 houses in The Green that have dormers, as well as a significant number of houses in Wingfield Drive. These may not themselves be

characteristic of the conservation area, but nonetheless exist. But in any event, the proposed dormers would not have any appreciable effect on the character and appearance of the conservation area due to the fact that the site is almost hidden from public views.

10. The proposed parking provision on the grassed verge on the north side of The Green, a space that currently helps soften the appearance of the area, would not preserve or enhance the character or appearance of the conservation area, and is of more concern. I deal with this later under the second issue.

The effect of the proposed parking spaces on the safety and convenience of highway users, particularly pedestrians.

11. The current car parking standards are 2 spaces for 2/3 bedroom properties and 3 spaces for properties with 4 bedrooms or more. The appeal proposal has 2 bedrooms, whilst the existing house has 4 bedrooms. The highway authority response states that the requirement is therefore for 5 car parking spaces to be provided. I have considered whether this requirement is reasonable in the light of what is proposed. What is proposed is an annex to the existing house. It has, on the ground floor, 1 bedroom together with a wheelchair accessible bathroom, and on the first floor, another bedroom with a toilet. It has no dining room or kitchen, and therefore would be reliant on the existing house for these facilities. Thus it is truly an annex – an extension to the living accommodation in The Coach House. That being so, it seems to me that the car parking standard that should be applied is 3 spaces for a property with 4 bedrooms or more.
12. Thus the standard would appear to be met, numerically, by the 3 spaces in front of the garage proposed to be converted. However, there are 2 potential issues with this. The first is that drawing No.257/03/501 P02 'Parking Plan' shows these laid out in front of the footprint of the existing garage, rather than in front of the garage as proposed to be extended forward. The second issue is that I am doubtful that 3 cars could be manoeuvred in and out of these spaces, especially when all spaces are being occupied, bearing in mind the swept path of a car carrying out such manoeuvres and the fact that there is shown to be 3m behind the northern space and 2.5m behind the southern space (these dimensions scaled from the plan). Even if the spaces were to be moved towards The Coach House front wall, I doubt that the layout would function as intended.
13. I put these points to the council and the appellant for comment. The appellant's reply acknowledged, after carrying out a detailed survey of the site, that the drawing submitted does not accurately reflect the existing situation. On further consideration, it has been found that a more practical option with less impact for a third car parking space has been found, involving a minor piece of landscaping work: cutting a parking space into the planter, adjacent to the communal drive, only requiring the clearance of some bushes and making use of a currently un-utilised space, avoiding the removal of the pine trees, and achieving broader parking arrangements for all three vehicles. A new drawing submitted, No.257/03/501 Rev P04 – Parking Plan, illustrates this. Also, by extending the parking footprint to the two proposed adjacent parking spaces closer to the house, the vehicles in these two spaces would not block the third vehicle in its parking space, allowing for unimpeded and independent vehicle ingress and exit, for all 3 parking spaces.

14. The council's response to this was that the new plan is an improvement on what was previously submitted, the plan identifies that all three parking spaces are sufficient for this development, and it is noted that no swept path or turning area has been provided. But if it is found that the turning space would be acceptable, there would be no objection to the three spaces being provided.
15. My conclusion on the responses to my concerns is that I am satisfied that the new drawing, referred to above, is a satisfactory solution. I have a remaining reservation about the ability to turn a car in one of the spaces around so that it could exist in a forward gear, but I offset this concern by noting that the existing house has required a standard of parking for 3 cars and there has been no explicit evidence of harm to pedestrians or vehicular traffic during the past years arising from the use. A condition could require the car parking provision on drawing No.257/03/501 Rev P04 to be implemented.
16. I do not find acceptable the 2 parking spaces on the grass verge to The Green, illustrated on the originally submitted 'parking plan', drawing 'No.257/03/501 Rev P02, and shown to be accessed from the entrance to the drive. This is because, with the kerb side parking that already occurs, access and egress to these spaces would be difficult and likely to be detrimental to the safety and convenience of highway users, including pedestrians. In addition I regard this grassed area as important to the appearance of the area, and it should not become degraded by vehicles in wet weather, or worse, have some form of hardened surface put in place. A condition could prevent the use of this verge for car parking.

Other matters

17. There are matters raised by interested persons which include concerns about loss of privacy and overlooking. The principle elevation, with the 2 dormer windows within the roof would face directly, and be a short distance away from, the central part of The Coach House. Therefore I cannot see that these concerns are well founded. The other windows are at ground floor level, and therefore boundary fencing would preclude such effects. Other concerns raised are about the developments that have already been made to The Coach House under previous permissions, but these are matters that the council has previously considered and do not affect the merits of the issues raised by the council's refusal of the proposed development. Nor do I consider that the 'traffic' on the drive would bring any material harm to the living conditions of the adjacent occupiers.

Conclusions

18. In light of my reasoning in paragraphs 5 – 10 I am satisfied that there would be no harmful effect from the proposal on the character and appearance of the site and the Orsett Conservation Area. Following my concerns and the responses dealt with in paragraphs 11 – 16, I am also led to conclude that the new drawing, referred to above, provides a satisfactory parking solution and that there would be no deleterious effect from the proposed parking spaces on the safety and convenience of highway users, particularly pedestrians. However, the proposed parking on the grass verge to The Green would not be acceptable and should be precluded by condition. I will therefore allow the appeal subject to conditions.

Conditions

19. The Council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). For clarity and to ensure compliance with the PPG I have amended some of the text. I will also impose the conditions that I have mentioned in my reasoning above.
20. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted, including the requirement for the development to be carried out in accordance with drawing No. 257/03/501 Rev P04 referred to above; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to protect surrounding residential amenity; condition 5 is to ensure suitable surfacing and drainage of the parking spaces is provided; condition 6 is to ensure that the accommodation remains ancillary to the existing dwelling house and does not create a separate or independent unit to safeguard the amenities of neighbouring occupiers; condition 7 is to secure appropriate landscaping of the site in the interests of visual amenity and the character of the area; condition 8 is to prevent the use of the grass verge for car parking in the interests of the visual quality of the area and to safeguard to character and appearance of the conservation area.

Terrence Kemmann-Lane

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: reference 257/01/500 P04 - , 257/01/200 P04 - Existing Elevations, 257/01/400 P04 - Existing Floor Plans, 257/01/401 P04 - Existing Floor Plans, 257/01/402 P04 - Existing Roof Plans, 257/01/500 P02 - Proposed Elevations, 257/03/200 P04 - Site Layout, 257/03/400 P04 - Proposed Floor Plans, 257/03/401 P04 - Proposed Floor Plans, 257/03/402 - Roof Plans, 257/03/501 P04 - Parking Plan.
- 3) Notwithstanding the information on the approved plans, no development above ground level shall take place until details of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the local planning authority. Details may constitute samples, British Standard descriptions, manufacturer's brochures or other items. The development shall be carried out in strict accordance with the approved details unless otherwise agreed in writing by the local planning authority.
- 4) No construction works in connection with the development shall take place on the site at any time on any Sunday or Bank / Public Holiday, nor on any other day except between the following times:
Monday to Friday 0800 – 1800 hours Saturdays 0800 – 1300 hours
unless in association with an emergency or the prior written approval of the local planning authority has been obtained.
- 5) No development above ground level shall take place until details surfacing and means of surface water drainage of the new parking layout have been submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details. The annex shall not be occupied until such time as the vehicle parking areas referred to above have been hard surfaced. The vehicle parking areas shall be retained in this form at all times thereafter.
- 6) The development hereby permitted shall be occupied only as an annexe for purposes ancillary and incidental to and in conjunction with the use of the existing property as a single dwelling house and not as a separate or independent unit of residential accommodation.
- 7) No development above ground level shall take place until details of a soft landscaping scheme to be carried out around the car parking area adjacent to The Green have been submitted to and approved in writing by the local planning authority.

The details of the soft landscape works shall include schedules of shrubs and trees to be planted, noting the species, stock size, proposed numbers/densities and details of the planting scheme's implementation, aftercare and maintenance programme. The soft landscape works shall

be carried out as approved within the first available planting season (October to March inclusive) following the commencement of the development, unless otherwise first agreed in writing by the local planning authority.

If within a period of five years from the date of the planting of any tree or plant, or any tree or plant planted in its replacement, is removed, uprooted, destroyed, dies, or becomes seriously damaged or defective, another tree or plant of the same species and size as that originally planted shall be planted in the same place, unless the local planning authority gives its written consent to any variation.

- 8) No parking shall take place at any time on the grass verge alongside The Green shown to be within the appeal site.

End of Schedule