



Appeal Decision

Site visit made on 6 December 2022

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2023

Appeal Ref: APP/M1595/W/22/3295670

149 Mollands Lane, South Ockendon RM15 6DL

- 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 J Lee against the decision of Thurrock Borough Council.
 - The application Ref 21/02157/FUL, dated 20 December 2021, was refused by notice dated 16 February 2022.
 - The development proposed is single storey rear extension and new dwelling to the North of 149 Mollands Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development given on the application form did not mention the proposed single storey rear extension. However, the plans and accompanying details clearly confirm that this extension would be part of the proposed development. Therefore, in the banner heading above, I have used the description which appeared on the Council's decision notice, as this more accurately describes the proposed development.
3. The evidence refers to preparation of a new Local Plan for the Borough, which was subject to an Issues and Options consultation in December 2018. However, the reasons for refusal do not identify any conflict with this emerging Local Plan and the Council has confirmed that it remains at an early stage of preparation. As such, I have given the emerging Local Plan limited weight in my consideration of this appeal.
4. The main parties agree that the proposal would not amount to inappropriate development in the Green Belt and no contrary view has been presented. Although designated as Green Belt, the site lies within the settlement of South Ockendon. This part of Mollands Lane is also identified as an Established Residential Frontage, for purposes of Policy PMD6 of the Thurrock Core Strategy¹. Both parties regard the proposed dwelling as limited infill development, which Policy PMD6 and paragraph 149e of the National Planning Policy Framework July 2021 (the Framework) exclude from the definition of inappropriate development in this location. Based on the evidence before me, I have no reason to reach a different view.
5. While the rear extension would not fall within the scope of paragraph 149e, I am satisfied that this single storey element would not result in disproportionate

¹ Thurrock Core Strategy and Policies for Management of Development (as amended), adopted January 2015

additions over and above the size of the original building. Therefore, this aspect of the proposal also benefits from an exception to the definition of inappropriate development, set out in paragraph 149c of the Framework. On that basis, I concur that the proposal does not involve inappropriate development in the Green Belt.

Main Issues

6. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

7. The appeal site is one of several semi-detached dwellings around a circular green. The original dwellings are all of matching design and proportions. They are laid out on regular plots with long gardens and parking areas to the front. Although several have been extended, there is no clear evidence that any of the plots have been subdivided. The form and spacing of the original dwellings remain clearly identifiable despite the previous extensions and a variety of elevational changes. Their circular layout and regular spacing around the green results in a distinctive and relatively spacious street scene.
8. Although several of the existing dwellings have two storey side extensions, none are of the same design as the appeal proposal. The majority have lower ridge lines, as a result of the first floor element having been set further back, above a projecting ground floor element. As a result, they are of less bulky proportions than the appeal proposal, with a higher degree of articulation to their front elevations. Nevertheless, the overall scale and location of the proposed side extension would be broadly similar.
9. The proposed use of the extension as a separate dwelling would, however, have further consequences for the appearance of the site and surrounding street scene. Subdivision of the site to create two separate dwellings would result in two much narrower plots. This would be a departure from the well-established rhythm of the street scene, in which the existing dwellings are regularly spaced in a clearly articulated layout around the green. The plots would be narrow and relatively cramped, appearing incongruous within the otherwise spacious street scene.
10. While the plans do not indicate any physical boundary treatment between the front gardens, it is highly likely that this area would become more clearly subdivided over time, as the requirements of independent occupiers diverged. Resisting such enclosure could not reasonably be justified, once the separate dwellings had become established. Subdivision into two dwellings would also lead to more intensive use of the land, such as increased demand for parking, bin storage and similar uses, which are likely to dominate the site frontage.
11. While some of the surrounding dwellings, including no. 151 Mollands Lane, already have significant areas of hard standing to the front, these are in proportion to the regular spacing of plots around the green. In contrast, the formation of two narrower, more cramped frontages, potentially cluttered with vehicles, means of enclosure and other domestic paraphernalia, would be a harmful departure from the established rhythm of the street scene. This in turn would be harmful to its distinctive character and layout as described above.

12. The proposed rear gardens would also be smaller than is typical of the surrounding area. This would have little impact on the wider street scene, given their location to the rear. However, it may contribute to demand for more intensive use of the site frontages.
13. The proposed elevational treatment would be comparatively plain and would lack the level of detailing and articulation found on nearby extensions. However, it would be reasonably consistent with the design of the existing dwelling. Therefore, this aspect of the proposal would not be unduly harmful to the character of the existing dwelling or its surroundings.
14. The proposed single storey rear extension would be a more limited addition, not necessarily associated with the proposed subdivision and with no effect on the surrounding street scene. As such, when considered in isolation, it would have little effect on the character of the area. The Council concluded that this element of the proposal was acceptable and based on the evidence before me I have no reason to reach a different conclusion.
15. Nevertheless, for the reasons set out above I conclude that the proposed development would be harmful to the character and appearance of the area. As such, it would conflict with Policies PMD2 and CSTP22 of the Core Strategy and with relevant paragraphs in the Framework. These policies, amongst other things, require that new development is of high quality design, responding positively to the local context and the character of the area.

Other Matters

16. Evidence from both parties confirms that the Council cannot currently demonstrate a five year supply of housing land. The appellant's evidence suggests a significant shortfall. Although this is based on published evidence dating from 2016, a more recent update is included, in the form of the 2021 Housing Delivery Test figure of 49%. No alternative or more up to date figures have been provided. Furthermore, the Council's Officer Report confirms the absence of a five year housing land supply.
17. While the shortfall in housing land supply means that the development plan policies which are most important for determining the application are deemed to be out of date², the main focus of Policies PMD2 and CSTP22 is a range of design criteria. These remain substantially consistent with the Framework when read as a whole, particularly in terms of its focus on achieving well-designed places (section 12) and the desirability of maintaining an area's prevailing character and setting, including residential gardens (paragraph 124).
18. On that basis, I attribute significant weight both to the harm to the character and appearance of the area and to the consequent conflict with Policies PMD2 and CSTP22.
19. Although the Green Belt is one of the policies which protect areas or assets of particular importance, as listed in footnote 7 to Framework paragraph 11d(i), the proposal would not comprise inappropriate development in the Green Belt. Therefore, this does not provide a clear reason for refusing the proposed development and it falls to be considered against the test in paragraph 11d(ii) of the Framework. This requires that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably

² NPPF paragraph 11(d), footnote 8.

- outweigh the benefits, when assessed against the policies in the Framework as a whole.
20. Since the proposed development is for a single dwelling its contribution to the shortfall in housing land supply would inherently be limited, notwithstanding the potential for quick delivery. Any contribution to the local economy, the viability of local services or local community wellbeing would be similarly limited. Little evidence has been provided to support the assertion that provision of a smaller dwelling would address a specific local priority in terms of housing mix. As such, I have given each of these benefits limited weight.
 21. The implementation of construction methods to reduce energy consumption would be primarily of private benefit. However, there would also be some limited degree of public benefit in terms of the contribution to wider energy efficiency. I have therefore given this modest benefit limited weight.
 22. The site has ready access to local services in South Ockendon and more extensive access to services and employment opportunities via public transport and the strategic road network. However, while the Framework supports more efficient use of land in suitable locations, paragraph 124 makes clear that this is not at the expense of maintaining an area's prevailing character and setting, where appropriate.
 23. There was no indication during my site visit that the site was particularly prone to neglect. Since it is currently part of the curtilage of the existing dwelling, there is little evidence that it is especially likely to become overgrown or untidy to a degree that would be harmful to the character and appearance of the area.
 24. Absence of encroachment into open countryside does not amount to a net benefit, given the conclusions I have reached about the harm to the character and appearance of the site's more immediate surroundings.
 25. I have noted the absence of any identified concerns about highway safety or parking provision, the effect on neighbours' living conditions or the functionality of private amenity space for future occupiers. I further note that there are no identified harmful impacts relating to trees, biodiversity or flood risk. However, absence of harm in these respects is a neutral factor that does not weigh for or against the development.
 26. In conclusion, while there are a number of benefits associated with the proposed development, each of these is modest in scale and individually carries limited weight. Taking all the positive factors together, to my mind the cumulative benefit would still carry only modest weight. Set against that is the harm I have identified to the character and appearance of the area, to which I have given significant weight, along with the consequent conflict with development plan policy.
 27. Given the harm that I have identified, I conclude that the adverse impacts of granting permission would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole. Therefore, the presumption in favour of sustainable development, as defined in paragraph 11 of the Framework, does not indicate that planning permission should be granted in this case.

Conclusion

28. The proposed development would result in harm to the character and appearance of the area, which is not outweighed by other considerations.
29. Therefore, for the reasons given above, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Jane Smith

INSPECTOR