



Appeal Decision

Site visit made on 5 January 2023

by C Harding BA(Hons) PGDipTRP PGCert MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/M1595/W/22/3297601

39 Grays End Close, Grays RM17 5QR

- 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 Blerim Haliti against the decision of Thurrock Borough Council.
 - The application Ref 21/01756/FUL, dated 13 April 2021, was refused by notice dated 7 January 2022.
 - The development proposed is for the construction of a new dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has included, as an appendix to their appeal statement, an amended Proposed Ground Floor Plan indicating an additional car parking space to be provided to the side of the proposed dwelling, which would serve the existing dwelling at the appeal site. This plan was not before the Council when it determined the application.
3. In considering whether amendments proposed during the appeal process can be taken into account, regard must be had to the principles set out in the Wheatcroft judgement¹. This includes whether the development would be so changed that to grant permission to it would deprive third parties of the opportunity for consultation on the revised proposal.
4. The issue of adequate provision, location and access to parking is clearly an issue of concern to local residents who have provided representations on this basis. The proposed amendment would result in a material change to the proposed parking arrangements, and local residents have not been afforded opportunity to provide comment on the revised arrangements. Accordingly, in line with the Wheatcroft principles, and in the interests of fairness, I have determined the appeal on the basis of the plans as originally submitted.
5. The Council's decision notice refers to conflict with Policy PMD1 of the Thurrock Core Strategy and Policies for Management of Development 2015 (CSPMD) in relation to this main issue. However, this policy appears to relate to the prevention of pollution and impacts upon amenity, matters in relation to which the Council has raised no specific concern, and are not relevant to the main issues.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment & Harborough DC (1982)

6. However, elsewhere within the evidence that is before me, both main parties have made reference to CSPMD Policy PMD2. Although this policy is not referenced on the decision notice, it is relevant to the consideration one of the main issues. I have therefore taken it into account.
7. The Government published a revised National Planning Policy Framework ('the Framework') in July 2021, after the Council issued its decision. All references in this decision relate to the updated document.

Main Issues

8. The main issues are:

- the effect of the proposed development upon the character and appearance of the area, and;
- The effect of the proposed development upon highway safety, with specific regard to on-street parking.

Reasons

Character and appearance

9. The appeal site relates to an existing end-of-terrace dwelling and garden, along with a detached garage located to the side of the property. The appeal site is situated at the end of a cul-de-sac. An area of garages is located adjacent to the appeal site, with access to this area being provided between the appeal site and 52 Grays End Close (No 52), which is located in a perpendicular position.
10. The local area is characterised by terraced properties with bay projections, in a mix of brickwork and render. Generally, properties have modest front gardens, many of which accommodate off-street parking and have an open character. Properties in the street are largely arranged in terraces of four, with gaps between blocks and in corner locations providing visual interest and relief. Whilst some properties have been extended, and there is a variation in external materials, the street retains a high degree of uniformity in terms of design and built form.
11. When travelling along the street towards the appeal site, the open aspect adjacent to 39 Grays End Close (No 39) provides a sense of spaciousness. The existing extension to 33 Grays End Close (No 33) has already eroded the visual separation between that end of the terrace and 31 Grays End Close.
12. The proposed development would result in the erection of a new dwelling adjoining and to the side of the existing property. This would result in the continuation of the existing terrace, which has already been extended by means of the earlier extension to No 33.
13. Having regard to the existing extension at No 33, the proposed dwelling would provide a greater degree of symmetry to the terrace. However, it would also substantially fill the space adjacent to No 39 as viewed from elsewhere in the street.
14. Although the proposed dwelling itself would largely reflect other dwellings within the street in scale, materials and approach to fenestration, when viewed in combination with the remainder of the terrace as it currently exists, this row

of properties would present a substantial continuous built frontage, of substantially larger scale than other groups of properties within the street.

15. Furthermore, the shape and size of the appeal site means that the proposed dwelling would be provided with only minimal front garden space, and the corner of the proposed development would be located directly adjacent to the access serving the private garage area. Vehicles accessing the private garage area would pass between the proposed development and the existing garage at No 52, in close proximity to the corner of the proposed dwelling. This arrangement would lead to an enclosed character to this access and would result in a cramped arrangement in this part of the cul-de-sac.
16. Additionally, this arrangement would result in the front elevation of the property requiring a recess. Whilst other properties in the street are characterised by bay projections, and so exhibit articulation in front elevations, the proposed dwelling would feature a greater degree of setback than is visible elsewhere. Furthermore, this would result in a higher eaves height to the front roof slope in order to accommodate this recess.
17. Whilst both the additional recess to the front elevation, and the proposed roof-form would not, in themselves, be significant departures from the general design of properties in the street, their use would highlight the constraints of the size and shape of the appeal site and accentuate the cramped arrangement.
18. Overall, this would result in a more enclosed ambience to the end of the cul-de-sac, which would not be reflective of the remainder of the street and would erode the existing open character of the area.
19. Having regard to the above, the proposed development would harm the character and appearance of the area. It would therefore be contrary to Policies CSTP22, CSTP23 and PMD2 of the CSPMD, and the Framework, which together, and amongst other criteria, state that the character of the borough will be protected, managed and enhanced, require new development to demonstrate high quality design, respond positively to local context and contribute positively to the character of the area.

Highway safety

20. At present, No 39 is served by a single parking space to the front of the dwelling, with further parking available at the existing detached double garage. The proposed development would leave No 39 with a single parking space, with two additional spaces being provided for the proposed new dwelling. It is agreed between the parties that the proposed development would lead to the under-provision of parking for No 39.
21. There is no evidence before me to indicate that the Council has sought to impose parking restrictions, or whether accidents have occurred within the street in the past. However, representations from local residents highlight that the end of the cul-de-sac is already a busy area, and that access to the area of garages is sometimes compromised. I was also able to see on my site visit that although many properties in the street have off-street parking provided to the front of dwellings, this often comprises a large part of, or the entirety of property frontages.

22. As a result, there are few suitable opportunities for on-street parking within the street, particularly towards the head of the cul-de-sac, which also serves as a turning area. I acknowledge that existing demand for on-street parking is likely to fluctuate from time to time, and at certain times of the day. However at my site visit at 08:50 am, I saw that there is currently existing demand for on-street parking where it is available. Furthermore, the presence of the existing access to the area of garages further restricts on-street parking opportunities in the vicinity of the appeal site.
23. As the proposed development would lead to a shortfall in off-street parking for the existing dwelling, it is likely that demand for on-street parking for occupiers of this property would increase.
24. Given the existing context of parking provision and demand within the street, I consider that the additional demand for on-street parking would result in significant potential for inconsiderate on-street parking to occur in the vicinity of the appeal site. Such parking in this constrained environment, would, in my view, be likely to result in conflict with other vehicles or pedestrians, to the detriment of highway safety.
25. Accordingly, the proposed development would have an adverse effect upon highway safety, through an increased demand for on-street parking as a result of an under-provision of vehicle parking within the appeal site. Therefore, it would be contrary to CSPMD Policy PMD8 which requires all development to comply with the car parking standards, and through the use of physical design, reduce the risk of inappropriate on-street parking. It would also conflict with the Framework which acknowledges that development can be restricted where it would have an adverse effect upon highway safety.

Other Matters

26. The appellant has highlighted that the proposed development would not affect any heritage assets, obscure any views, and would provide an acceptable standard of accommodation. Even if I were to agree that this was the case, these are only neutral factors which would not weigh in favour of the scheme.
27. I am aware that the appeal site lies within the zone of influence of a Special Protection Area (SPA). The Conservation of Species and Habitat Regulations 2017 require the Competent Authority to consider whether or not the proposal could adversely affect the integrity of the protected site, either alone, or in combination with other plans and projects. This responsibility falls to me in the context of this appeal.
28. Had I been minded to allow the appeal, it would have been necessary to carry out an appropriate assessment in order to establish whether the proposal on its own or in combination with other projects would be likely to have significant effects on the integrity of the European sites. This would include whether mitigation would be necessary and could be achieved. However, as I have concluded that the proposed development would be otherwise unacceptable, it is not necessary for me to pursue this further.

Planning Balance

29. The Council confirms that it is unable to demonstrate an adequate supply of housing land as required by the Framework. I am therefore taken to the mechanism of Paragraph 11 d) ii) of the Framework.

30. I have found that the proposed development would harm the character and appearance of the area and would have an adverse effect upon highway safety. It would be contrary to the development plan as a whole, and I ascribe this harm significant weight.
31. The proposed development would lead to an additional single dwelling. This would represent a positive, albeit modest, contribution towards boosting housing supply, to which I afford moderate weight. The proposed development, would, in turn, provide employment during construction, although this would be time limited. There would also be other social and economic benefits to Grays and the surrounding area in terms of supporting local facilities and services. However, these would also be limited by the scale of the proposed development. I ascribe these benefits only modest weight in reaching my decision.
32. With this in mind, I conclude that the adverse impacts of granting a planning permission would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development for which the presumption in favour applies.
33. For the reasons given above, having regard to the development plan as a whole, and all other material considerations, including the Framework, the appeal is dismissed.

C Harding

INSPECTOR