

Appeal Decision

Site visit made on 26 January 2023

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15th February 2023

Appeal Ref: APP/M1595/D/22/3308207

7 Blackmore Close, Grays RM17 6EB

- 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 Teodar Marian Copilusi against the decision of Thurrock Council.
 - The application Ref 22/00665/FUL, dated 13 May 2022, was refused by notice dated 11 August 2022.
 - The development proposed is 'retrospective planning application for re-position of a shed and erection of new picket fence panel over existing brick wall along with change of use of land to garden use'.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development undertaken on the character and appearance of the street scene, and on the privacy of current and future occupiers of the appeal property.

Reasons

3. The appeal property is a two-storey end-of-terrace dwelling in a predominantly residential area. Blackmore Close is a short cul-de-sac that includes a relatively large parking area to the side of the appeal property. The extended part of the garden comprises a raised area of land perpendicular to the end of No 7's original back garden, with a retaining wall on one side next to the car park and, on the other side, a steep bank with residential properties sited on higher ground above.
 4. Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for Management of Development document (2015) (the Core Strategy) require development to respond to and respect the character of the area, and to provide a high quality of design. Policy PMD1 of the Core Strategy concerns the effects of development on amenity, including privacy.
 5. The terrace of which No 7 is part includes properties laid out on regular plots with back gardens the same width as the dwellings, with the rear garden boundaries next to the amenity area on higher ground. The privacy of No 7's
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original rear garden in maintained by a side boundary wall that prevents any overlooking from use of the adjacent car park.

6. By contrast, the extended garden area is raised well above the level of the original gardens and, therefore, has particular prominence from the car park and surrounding area. The highly linear nature of this area, extending away from the planned layout of the original gardens behind the dwellings results in it appearing incongruous in the otherwise uniform setting. The picket fence above the retaining wall and location of the shed accentuate the uncharacteristic use and appearance of this area, as both features contrast unfavourably with the characteristic boundary treatments and location of outbuildings in less conspicuous positions within the street scene.
7. The position of the extended garden area and lack of effective screening by the picket fence means that use of it is readily seen from the car park and surrounding area. Consequently, the position and layout of this area means that current and future occupiers' privacy will be harmfully compromised by the widely available public views. The appellant's contention that the picket fence is in place for safety reasons due to the heightened ground level is insufficient basis to overcome the harm that results from the use of the extended garden area.
8. Accordingly, for these reasons, I conclude that the development undertaken has an unacceptably harmful effect on the character and appearance of the street scene, and on the privacy of current and future occupiers of the appeal property. Consequently, it is contrary to Policies CSTP22, PMD2 and PMD1 of the Core Strategy, as described above. It is also contrary to the National Planning Policy Framework, which promotes high quality design.

Other Matters

9. I have had regard to the representations made by interested parties both in support of and against the existing use. I acknowledge that the current use has resulted in removal of overgrown vegetation and rubbish from the area and it has benefited from some additional planting, but this is not sufficient reason to justify the harm found above. As such, this matter does not alter the overall conclusion.
10. From the appeal submissions and site inspection there is no basis to conclude that use of the extended garden area has resulted in an increased risk of subsidence to neighbouring properties; or, due to its position relative to other dwellings, that it harms the living conditions of neighbouring occupiers with regard to noise or overlooking.

Conclusion

11. For the reasons given it is concluded that the appeal should be dismissed.

J Bell-Williamson

INSPECTOR