



Appeal Decision

Site visit made on 15 November 2022

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 February 2023

Appeal Ref: APP/M1595/W/22/3292113

13 Crouch Road, Chadwell St Mary, Essex RM16 4BX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Randal Jardine against Thurrock Borough Council.
 - The application Ref. 21/01824/CV is dated 20 October 2021.
 - The application sought planning permission for erection of a 6 bedroom house of multiple occupation with associated hardstanding without complying with a condition attached to planning permission Ref 19/01117/FUL, dated 15 October 2019.
 - The condition in dispute is No.2 which states that: The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 13 - Proposed Side Elevation – received 30th July 2019
 - PSS - Proposed Side Section – received 20th August 2019
 - 19 - Proposed Roof Plan – received 20th August 2019
 - 05 - Approved Rear Elevation – received 22nd July 2019
 - Location Plan – received 19th August 2019
 - 01 - Approved Ground & Lower Ground Floor Plans – received 22nd July 2019
 - 02 - Approved First & Lower First Floor Plans – received 22nd July 2019
 - 03 - Approved Second Floor Plan – received 22nd July 2019
 - 04 - Approved Front Elevation – received 22nd July 2019
 - 06 - Approved Side Elevation – received 22nd July 2019
 - 07 - Approved Side Elevation – received 22nd July 2019
 - 08 - Proposed Ground & Lower Ground Floor Plans – received 22nd July 2019
 - 09 - Proposed First & Lower First Floor Plans – received 22nd July 2019
 - 10 - Proposed Second Floor Plan – received 22nd July 2019
 - 11 - Proposed Front Elevation – received 22nd July 2019
 - 12 - Proposed Rear Elevation – received 22nd July 2019
 - 14 - Proposed Side Elevation – received 22nd July 2019
 - PSLP- Proposed Site Layout – received 22nd July 2019
 - The reason given for the condition is: For the avoidance of doubt and the interest of proper planning.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's case confirms that had it determined the application, based upon the drawings submitted, it would have refused to vary condition 2, due to the design of the rear part of the building, and its effect on the character and appearance of the area. In response to the Council's case, setting out its design concerns to the undetermined application, the appellant submitted amended

plans showing the crown roof and two dormer windows altered to a hipped roof and two roof lights.

3. The Procedural Guide: Planning Appeals (England), confirms that the appeal process should not be used to evolve a scheme. In the interests of fairness, it is important that what is considered by an Inspector, is essentially the same as what was considered by the Council, and on which interested people's views were sought.
4. I acknowledge that at the time the appeal was submitted the Council's design concerns were unknown. I also note that the appellant undertook their own consultation with the Council and local residents upon the proposed design amendments. However, I am uncertain that the appellant's informal consultation, particularly with occupiers of nearby properties, was effective. As this was dated 18 July, it appears to have taken place outside of the normal timescale for consultation on the appeal. The final comments deadline set out in the official appeal notification letter sent out to neighbours was 19 July 2022. As a result, I attach limited weight to this consultation.
5. As I cannot be satisfied that no party would be prejudiced by my acceptance of the amended plans, I have determined the appeal based upon the plans that were submitted with the application and on which local residents were formally consulted by the Council. It is open to the appellant to submit the amended plans to the Council under a revised application.

Background and Main Issue

6. Planning permission was granted on 15th October 2019 for the erection of a 6 bedroom house of multiple occupation. It is agreed by both parties that this development commenced prior to 15th October 2022, and that the permission remains extant. At the time of my visit no built development above ground level had taken place.
7. The proposal seeks to vary condition 2 of the extant planning permission, to allow for design modifications to the approved development. The main issue is the effect of the proposed amendments on the character and appearance of the area.

Reasons

8. The amended plans seek to make the approved dwelling larger, providing an improved level of internal living space for future occupiers, which would continue to be limited to 6. Although the siting of the proposed building is more or less the same as that originally approved, the increased footprint extends slightly further back into the site. I am also advised that the dwelling would be sited slightly further away from No.13. The parking to the front of the building would be located slightly further forward from the front of the building than originally approved but retains the same number of spaces.
9. The front elevation of the dwelling would be unchanged. The type of windows in the side elevations would be amended, and an additional window is proposed in each side. The main change is to the rear of the building, which would project further back than that originally approved at both ground and first floor levels.

10. The ground level of the site is noticeably lower than that of No.13 Crouch Road. The levels continue to slope down towards No.15 and beyond. There is a substantial gap between Nos. 13 and 15, both of which have generous side gardens and a public right of way running between them. Due to the topography and open nature of the site the development would be visually prominent in the area.
11. The proposed alterations to window details in the side elevations would reflect those found in surrounding properties and would not appear out of place. The two-storey rear projection would have a crown roof, which would sit below the two proposed flat roof dormer windows. A single storey flat roof projection is also proposed at the rear. The proposal would project no further back into the site than the single storey extension to the rear of No.13.
12. I note that two storey rear projections are not a common feature in this area, however, this does not mean to say that they are unacceptable. Indeed, the Council's case suggests that should the originally approved scheme be built, it could potentially be extended to the rear in the future.
13. However, the design of the crown roof above the proposed rear projection together with the proposed flat roof dormers above it, would appear contrived and would harmfully detract from the character and appearance of the area.
14. The single storey flat roof projection proposed to the rear would not appear out of place in its surroundings, where there are many single storey flat roof buildings and extensions. Moreover, the previously approved drawings also included a similar single storey flat roof element to the rear.
15. I therefore conclude that the crown roof rear projection and the flat roof rear dormers, would fail to respect the character and appearance of the area. The proposal would therefore conflict with Policies PMD2 and CSSP22 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) January 2015, which seek, amongst other things, to ensure that the design of new development responds to the site and its surroundings. The proposal would also conflict with the National Planning Policy Framework (the Framework) in relation to high quality design.
16. The Council's case refers to its Residential Alterations and Extensions Supplementary Planning Document (SPD) September 2017. As this proposal relates to a new dwelling, as opposed to an extension to an existing dwelling, I do not consider the SPD to be relevant to my determination of this appeal.

Other Matters

17. The Council's case indicates that the site is located within the Essex Coast RAMS Zone of Influence. In such areas, I am advised that the Council would usually seek tariff style contributions, towards a mitigation strategy to protect the Thames Estuary and Marshes Special Protection Area from the effects of new development. I have not been provided with any relevant policies or guidance regarding this matter or any information on which to undertake an assessment under the Conservation of Habitats and Species Regulations 2017. Nor have I been provided with a planning obligation to secure any required mitigation or any justification for not providing such a mechanism. Given my conclusion above, I do not need to consider this matter further.

18. I note the concerns of local residents in relation to increased traffic, parking, bin storage and noise and disturbance. However, the principle of the development of this site for a 6 bedroom HMO has already been established by the extant permission. The occupancy of the building would not be increased and the amendments proposed would not result in any significant change with regard to these matters. Due to the separation distance between the proposed dwelling and No.15, and intervening boundary treatments, the development would not materially affect the privacy of occupiers of the house and garden of No.15.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

R Bartlett

INSPECTOR