



Appeal Decision

Site visit made on 21 March 2023

by David Smith BA(Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 March 2023

Appeal Ref: APP/M1595/W/21/3287417

3 Branksome Avenue, Stanford Le Hope, SS17 8AZ

- 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 Pankaj Verma against the decision of Thurrock Council.
 - The application Ref 21/01091/FUL, dated 22 June 2021, was refused by notice dated 13 August 2021.
 - The development proposed is demolition of the existing dwelling and construction of two detached properties.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the proposed dwellings on the character and appearance of the surrounding area and their effect on the integrity of the Thames Estuary and Marshes Special Protection Area.

Reasons

Character and appearance

3. The appeal site contains a chalet bungalow on a wide plot with a large shed to one side. It is located on the corner of Branksome Close. The surrounding area is residential with a wide mix in the style and form of the dwellings. These include both houses and bungalows and both detached and semi-detached buildings. In some places there are quite generous gaps between them but in others they are close together. Whilst the properties are positioned along the tree-lined street in a conventional manner, development along Branksome Avenue is varied rather than coherent.
4. Policy CSTP23 of the Core Strategy and Policies for Management of Development 2015 is concerned with the character and distinctiveness of Thurrock. It identifies a number of areas where character is a key issue including residential precincts comprising spacious residential areas and the intensively developed Homesteads ward. The appeal site is within this area.
5. The Council refers to Annexe A9 which was part of the 1997 Local Plan and which has been saved. This seeks to restrict development that would harm the character of The Homesteads. However, the Annexe is now very old and is not referred to in Policy CSTP23. Furthermore, no detail has been provided of the extent of the Homesteads area. That said, achieving well-designed places is one of the policies of the National Planning Policy Framework.

6. The proposed houses would be of a traditional, pitched roof design and would use materials of brick and tile. They would be similar in alignment to the row of buildings along Branksome Avenue and the main flank wall of Plot 1 would be 5.7m back from Branksome Close, although the single storey garage would be closer. A reasonable central gap would be provided between them with a similar distance between the two-storey side wall of Plot 2 and No 5. In this way, the spacing between the proposed buildings and their relationship with adjoining ones would be entirely compatible with the surroundings.
7. The existing site would be sub-divided but the resulting plots would be comparable to the general width of those nearby and wider than some. Indeed, the proposed houses would broadly perpetuate the rhythm of buildings along that side of the road. In any event, Policy CSTP23 does not preclude intensification of development per se. Neither is there an embargo on additional housing in the locality as evidenced by the permissions given by the Council for 9 houses in Branksome Avenue and 2 dwellings to replace a bungalow in First Avenue.
8. An appeal was dismissed for the construction of two semi-detached new build properties at the site in 2020¹. The Inspector observed that the width of the proposed building would be considerable with only small gaps to the side boundaries and that it would be of substantial scale. The appellant refers to that development as "very poor". The criticisms made by the Inspector have been addressed by the proposal which can be distinguished from that scheme in terms of the size of the proposed buildings and their separation.
9. Maintaining the qualities of this part of Thurrock is an important issue even if Annexe A9 is now outdated. However, the proposed dwellings would retain the character of Branksome Avenue in the vicinity of the appeal site where spacious gardens are not a particular trait. They would also be consistent with the general design, siting and spacing of development nearby. As such, there would be no harm to the character and appearance of the surrounding area. Policy CSTP23 would be complied with and there would be no conflict with Policies PMD2 and CSTP22 which also deal with design.

Integrity of the Thames Estuary and Marshes Special Protection Area

10. The proposal would have a likely significant effect on the Thames Estuary and Marshes Special Protection Area (SPA) as it is within the Essex Coast RAMS zone of influence. In combination with other development in Thurrock and elsewhere, an extra dwelling would be liable to lead to recreational disturbance to the interest features of the SPA. Local planning authorities in Essex have developed a strategy to deliver the necessary mitigation to address such impacts which is to be funded through a tariff.
11. However, no planning obligation has been provided to secure this and there is no indication that the requisite sum has been paid. Given that the Council refused permission it is understandable that this was not pursued during the application stage. Nevertheless, the upshot is that there is no mechanism in place to ensure the necessary payment would be made in the event that the appeal was allowed. As a result, following an appropriate assessment, the proposal would adversely affect the integrity of the SPA. Moreover, in these

¹ Ref: APP/M1595/W/20/3256515

circumstances, the Conservation of Habitats and Species Regulations preclude the proposal from proceeding.

Other Matters

12. According to paragraph 69 of the Framework, the development of windfall sites should be supported and great weight should be given to the benefits of using suitable sites within existing settlements for homes. An additional residential unit would improve the current housing land supply but no detail of this is provided. Even if the Council were unable to demonstrate five years' worth of sites against its housing requirement, paragraph 182 of the Framework establishes that the presumption in favour of sustainable development does not apply. This is because the proposed development would adversely affect the integrity of a habitats site.
13. The two houses would be larger than the existing building but this already has upper floor windows that look towards Branksome Close. The relationship between the proposal and neighbouring properties would be typical of that found in many residential areas and would not significantly reduce privacy, daylight or sunlight. If necessary, the proposed flank windows to Plot 2 could be obscure glazed.
14. In the context of an extensive residential area the impact of the traffic associated with an additional dwelling would be likely to be minimal. Any disruption caused by ensuing construction works would be short-lived and could be managed to minimise nuisance. Issues raised about noise and disturbance from the occupation of the existing dwelling and associated with private hire vehicles are not matters for this appeal.

Conclusion

15. There are no objections regarding the effect on the character and appearance of the surrounding area which is within the Homesteads ward. The proposed location of the additional unit is one favoured by the Government and the proposal would make a more efficient use of land and increase the stock of dwellings. However, there is no means to ensure that the necessary mitigation would be provided to safeguard the interest features of the SPA.
16. The proposed development would accord with the development plan. However, the proposal would adversely affect the integrity of the SPA and this is an overriding material consideration. Therefore, for the reasons given, the appeal should not succeed.

David Smith

INSPECTOR