



Appeal Decision

Site visit made on 15 March 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 28th March 2023

Appeal Ref: APP/M1595/D/23/3314000

15 Bromley, Grays, RM17 6LE

- 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 Alexander Zenonos against the decision of Thurrock Borough Council.
 - The application Ref 21/01136/HHA, dated 23 June 2021, was refused by notice dated 11 November 2022.
 - The development proposed is the retention of the altered balustrade screening and position of door and window to the single storey side extension to the annex.
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Decision

1. The appeal is allowed and planning permission is granted for the retention of the altered balustrade screening and position of door and window to the single storey side extension to the annex at 15 Bromley, Grays, RM17 6LE in accordance with the terms of the application, Ref 21/01136/HHA, dated 23 June 2021, and the plans submitted with it.

Main Issue

2. The main issue in this case is the appearance of the balustrade and screen in relation to the host property and the area.

Reasons

3. The application property is a detached annex situated within the front garden of 15 Bromley, a detached house on a recently developed estate within the urban area of Grays. The annex features rendered elevations with a pitched roof, front dormer windows. A flat-roofed side extension (the subject of this application) sits on the southern side facing onto Argent Street.
4. Of significance is that planning permission has been granted for a single-storey extension in this position, of the same scale and design (excepting the balustrade) under ref. 16/00899/HHA. The council notes that the policy position has not altered significantly since that grant, and the balustrade is the only different element from the 2016 scheme. Although the description of the development includes the position of a door and window, these elements are not controversial, and I need say no more about them.

5. The extension measures approximately 6m wide x 2m deep x 2.7m high with a flat roof providing a balcony area. The balustrade stands approximately 1.1m high and is constructed of glass with metal capping along the top. The council states that the front section of the balustrade extends wider than previously permitted, but no additional usable balcony space is formed as a result. There is reference in representations to there being timber elements in the balustrade, but the existing screen consists entirely of glass with a metal top and supporting columns
6. The council appears to make assumptions about the design and materials that need not concern me, since my task is simply to judge the acceptability of what has been installed. The council explains that the balustrade extends far beyond the principal roof line of the building and does not appear subservient to the property. As a result, the council considers it to be an overlarge structure that does not sit comfortably with the context of the extension, and contributes poorly to the character and appearance of the street scene.
7. To explain this from my observation, behind the area of the balustrade and balcony is a gable end to the roof of the main part of the annex. The balustrade sits on the front of the balcony for almost its full length, which obviously runs the full width of the base of the gable. Thus the top of the balustrade crosses part way up the gable, so that its upper ends extend beyond the slopes of the gable sides. The extent to which this is so depends on the height of the onlooker and how far away. From immediately opposite, at an average standing eye level, the balustrade intersects the gable much higher than is shown on Drawing No. 2646-16A1-01 where the 'Proposed Side Elevation' (facing onto Argent Street) is depicted.
8. I can see that, at first sight, this can appear as something of a visual anomaly because, although the glass screen is clear, its top is still perceived as sticking out each side of gable. To overcome this visual conundrum, the length of the balustrade could be restricted to the width of the gable at the height of the balustrade, but as I have noted, this length would depend on the viewpoint taken.
9. Having considered this effect for a while at my site visit from a number of viewpoints, I have concluded that, when given more than a passing glance, the relationship between the balustrade and screen, and the gable behind it, is clear. The balustrade is there to mark the front of the balcony and to give protection to anyone on it. The sides of the balcony, behind the balustrade are screened by shrubs, presumably in planters. Thus the function and relationship of the balustrade with the rest of the building is clear. And since the majority of the structure is glass, it is relatively unobtrusive.
10. I conclude that, in normal comings and goings, passing the annex and its balcony, the nature and purpose of the balustrade in 3 dimensions becomes obvious, and the initial perception of an oddness is not the same as, say, when looking at a fixed drawing of an elevation, which does not convey the reality of what is seen in the round. For this reason I find that the balustrade and screen does not have a harmful appearance in relation to the host property or the area within which it sits. I will therefore allow the appeal.

Conditions

11. Since the appeal relates to development that has already taken place, the statutory condition that provides a time limit on the start of development is not appropriate. The council not suggested that any other condition is necessary. I agree.

Terrence Kemmann-Lane

INSPECTOR