



Appeal Decision

Site visit made on 9 May 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 12 June 2023

Appeal Ref: APP/M1595/W/22/3298752

18 Feryby Road, Chadwell St Mary, Grays, RM16 4SS

- 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 Leon Selenge against the decision of Thurrock Borough Council.
 - The application Ref 21/01984/FUL, dated 16 November 2021, was refused by notice dated 11 March 2022.
 - The development proposed is the erection of 1 x 3 storey 2-bedroom dwelling within the land to the north of No.18 Feryby Road including removal of detached garage, associated boundary treatment, landscaping, cycle store and formation of new vehicle crossover to the rear of the site.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are: i) the effect of the proposed development on the design, scale and appearance of the existing terrace that includes the host dwelling, and on the character and appearance of the streetscene; and ii) the adequacy of the proposed private rear garden area to provide adequate amenity for future occupiers of the proposed dwelling, in terms of scale and layout.

Reasons

3. The appeal site is a corner plot, currently occupied by an end of terrace three storey dwelling, located at the junction of Feryby Road with Cedar Road. The site is at the north-eastern end of Feryby Road, at the end of a long terrace of three storey dwellings. This design of terrace is also present within the surrounding roads, including Leveson Road, Cedar Road and Godman Road. Within this area, road junctions are typically provided with an open aspect, with the flank of the corner dwellings generally being set well off the adjacent road. The terraces and the open corner sites are strong characteristics of the locality.

The effect of the proposed development on the design, scale and appearance of the existing terrace that includes the host dwelling, and on the character and appearance of the streetscene

4. Policy CS TP22 of the council's Core Strategy and Policies for the Management of Development (as amended), adopted January 2015, highlights the importance of good design and indicates that development proposals must

demonstrate high quality design founded on an understanding of, and response to, the local context. Policy PMD2 of that document requires that all developments should contribute positively to the character of the area including local views, the townscape and a positive sense of place; developments should contribute positively to the appearance and character of the area. These policies are in accord with the policies of the National Planning Policy Framework (the Framework) that emphasise the importance of good design. Framework paragraph 126 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5. As I have described in paragraph 3 above, terrace housing is a prominent form of housing in Feryby Road and adjoining roads, much of which is of 3 storeys. There are also pairs of 3 storey semi-detached houses. These dwellings have a characteristic of a common ratio of width of dwelling to building height. This relationship of width to height is emphasised by brick piers that rise the full height of the frontages, separating dwellings from one another.
6. In this context, the appeal proposal is to construct an additional dwelling within the side garden of the host dwelling, attached to the flank elevation and set back from the front elevation by about 1m. I would also have a ridge to its gabled roof set down some 300mm from the ridge of the existing terrace. As the proposed dwelling would accommodate 2 bedrooms and would occupy the narrow side space and, it would have a narrower frontage, with an emphasis on the vertical proportions compared with the wider existing houses. This change to the rhythm of the terrace coupled with loss of the open aspect at the junction would be very much at odds with the design, scale and appearance of the host dwelling and the existing terrace of which it is a part, and harmful to the character and appearance of the streetscene. I consider that this amounts to poor design that the development plan policies and the Framework seek to avoid.

The adequacy of the proposed private rear garden area to provide adequate amenity for future occupiers of the proposed dwelling, in terms of scale and layout

7. The sub-division of the rear outdoor amenity area of the host dwelling would leave it with an amount of space that is acceptable in terms of the policy requirement. However, the proposed dwelling, taking account of the parking provision that is set at the back of the rear garden, would not meet the required level of outside amenity space. I consider that this is a consequence of seeking to fit an additional dwelling into a space that is both physically and visually cramped. As a result, I conclude that the proposed private rear garden area would fail to provide adequate outdoor amenity for future occupiers of the proposed dwelling.

Other matters

8. For the appellant, my attention has been drawn to a number of paragraphs in the Framework. For the most part these amount to guidance about the way in which development proposals should be considered by the local planning authority. These include paragraph 38 which requires a positive and creative approach, paragraph 49 that refers to approving sustainable development where possible, paragraphs 54 and 55 that state that consideration should be given to conditions or obligations where these might make acceptable development that would otherwise be unacceptable, paragraphs 117 and 118

that emphasise the value of using brownfield land (although this site does not meet the definition of such land), and others that are of a very general nature and are not specifically relevant to this appeal. I have noted all these references and borne them in mind in coming to my conclusions.

9. I note that the appeal site falls within the Essex Coast RAMS Zone of Influence and within the scope of the RAMS as relevant development. Without mitigation the proposed development is likely to have a significant effect on the Thames Estuary and Marshes Special Protection Area. The mitigation strategy requires a tariff to be paid to fund the mitigation. Since I am dismissing the appeal, it has not been necessary to consider this matter further.

Conclusions

10. In relation to the first issue, my conclusion is that the change of scale and rhythm of the terrace and the loss of the open aspect at the junction would conflict with the design, scale and appearance of the host dwelling and the existing terrace of which it is a part, and be harmful to the character and appearance of the streetscene. I consider that this amounts to poor design that the development plan policies and the Framework seek to avoid. On the second issue I find that the proposed private rear garden area would fall short of the policy requirement and fail to provide adequate amenity for future occupiers of the proposed dwelling. For these reasons I will dismiss the appeal

Terrence Kemmann-Lane

INSPECTOR