



Appeal Decision

Site visit made on 5 July 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/M1595/W/22/3308071

9 Ludlow Place, Thurrock, Grays RM17 5AS

- 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 Mrs Bimpe Adebambo against the decision of Thurrock Borough Council.
 - The application Ref 22/01004/FUL, dated 15 July 2022, was refused by notice dated 13 September 2022.
 - The development proposed is erection of a single storey one bedroomed dwelling in the land adjacent to no. 9 Ludlow Place, including vehicle access.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issues

3. The main issues are the effect of the proposal on the:
 - Character and appearance of the host property and the area;
 - Living conditions of future residents in respect of privacy, amenity space, outlook and light; and
 - Provision of car parking.

Reasons

Character and Appearance

4. The appeal proposal would be located on land to the side and rear of the host dwelling. The existing dwelling is a semi-detached property located at the head of a cul-de-sac, and is in an area where the predominant layout of development consists of semi-detached dwellings with gardens to the rear.
5. The proposed dwelling would be larger than a typical garden outbuilding in this residential area. Despite the size of the garden of the host property, the

- proposed building would be located in close proximity to the boundaries of the site, giving the resultant development a cramped and overdeveloped character.
6. The backland nature of the proposal would also conflict with the grain and pattern of development in this area, and it would appear as an incongruous and contrived feature in this suburban setting.
 7. The proposal would not be readily apparent from the wider area, but its unsuitable location and arrangement would be visible from the public realm to the front of the site and from neighbouring properties.
 8. I conclude that due to its cramped layout and incongruous location, the proposal would lead to significant harm to the character and appearance of the host property and the wider area. The proposal would therefore be contrary to the design and layout considerations of Policies CSTP22, CSTP23, PMD1 and PMD2 of the Core Strategy and Policies for Management of Development (as amended) 2015 (the CSPMD); and Annexe 1 of the Thurrock Borough Local Plan 1997 (the Local Plan). The proposal would also be contrary to the National Planning Policy Framework (the Framework) in respect of achieving well-designed places.

Living Conditions

9. Due to the proximity and arrangement of the extant and proposed dwellings, the upper windows of the existing dwelling would enable an elevated view into the appeal site. This would lead to intrusive views into the kitchen window of the proposal which, when combined with the open-plan nature of the proposed living area, would lead to unacceptable harm to the level of privacy that future residents could reasonably expect.
10. It is not unusual for there to be a degree of overlooking of properties within a residential area. However, this would not justify the intrusive nature of overlooking resulting from the relatively unorthodox layout and location of the proposal.
11. The appellant states that a 2m high fence could be erected to address matters of privacy. However, this would not mitigate the elevated views from the existing dwelling. Furthermore, the windows and French doors of the proposal would be located in close proximity to this fence, with resultant harm to both the outlook and light levels that future residents could reasonably expect. The concerns raised in the Council's officer report about the amount of light reaching the bedroom window as a result of the awkward site layout and proximity to the boundary fence are also well-founded.
12. The Council's officer report states that the private amenity space to the rear of the proposed dwelling would be below the area required by Annexe 1 of the Local Plan. The tapering layout of the rear garden of the proposal would also limit its functionality as an amenity or garden area. Based on the evidence before me, the proposal would not provide a suitable amenity area for future residents.
13. On the basis of the above, I conclude that the proposal would lead to significant harm to the living conditions of future residents in respect of privacy, amenity space, outlook and light. The proposal would therefore be contrary to the amenity requirements of Policy PMD1 of the CSPMD and Annexe 1 of the Local Plan. The proposal would also be contrary to the

Framework which seeks to ensure a high standard of amenity for future users of development.

14. The Council has referred to the Residential Alterations & Extensions Supplementary Planning Document 2017. However, this is not relevant to the consideration of a new-build dwelling. Nevertheless, this does not negate my conclusions in respect of the harm arising from the appeal proposal and the conflict with the development plan and Framework.

Car Parking

15. The proposal would include 1 parking space for the proposed dwelling, which would be accessed via a driveway shared with a parking space to the side of the existing dwelling. A third space would be provided to the front of the host dwelling.
16. The Council's officer report indicates that the existing and proposed dwellings would require 3 parking spaces in total, and the submitted details show that this number of spaces can be achieved. The appellant has provided a swept path analysis which demonstrates that both car parking spaces served by the shared driveway can be accessed and egressed when cars are parked in the respective spaces. The shared driveway is also not so unduly narrow or excessively long to the extent that it would discourage or prevent the parking of vehicles within the site.
17. The Council refers to the parking of visitor's vehicles blocking the driveway and the migration of parking onto the adjacent highway. However, given the evidence in respect of the required number of spaces, the Council has not demonstrated how the generation of on-street parking would be materially increased compared to that associated with the existing site.
18. On the basis of the evidence before me, the proposal would make suitable provision for the parking of vehicles. The proposal would therefore not conflict with the accessibility and parking requirements of Policies PMD2, PMD8 and PMD9 of the CSPMD.

Conclusion

19. Notwithstanding my conclusion in respect of car parking, I conclude that the proposal would lead to significant harm in respect of character and appearance as well as to the living conditions of future residents. The proposal would therefore be contrary to the development plan and the Framework when read as a whole in respect of achieving well designed places and a high standard of amenity.
20. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR