



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/D/23/3320153

38 Charlotte Place, West Thurrock, Essex RM20 3JF

- 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 Yinka Falade against the decision of Thurrock Borough Council.
 - The application Ref 23/00125/HHA, dated 30 January 2023, was refused by notice dated 16 March 2023.
 - The development proposed is outbuilding (retrospective).
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Decision

1. The appeal is dismissed.

Preliminary Matters

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 The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents.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.
3. The application has been submitted retrospectively and I saw that an outbuilding was in place at the time of my visit. I have proceeded to determine the appeal on that basis.

Main Issues

4. The main issues are the effect of the proposal on the:
 - Character and appearance of the host property and area; and
 - Living conditions of residents of 37 Charlotte Place in respect of outlook and privacy.

Reasons

Character and Appearance

5. The appeal proposal consists of a detached outbuilding extending across the full width of the garden of the appeal property. Although relatively large, the building is not untypical of outbuildings that are constructed at the far end of a residential garden.

6. However, the layout of the appeal site and the surrounding area is relatively unusual. The garden containing the outbuilding is located to the side of the host dwelling, and it is visible from a manoeuvring and parking area serving the appeal site and other properties. Furthermore, the outbuilding is adjacent to a footpath which serves a number of adjacent dwellings as well as providing a through-route for the wider area. Due to the layout of the adjoining dwellings along this side of the path, these have the characteristic of an extent of front gardens and main elevations facing onto the path.
7. As a result of this unorthodox layout, the scale and arrangement of the building contrasts uncomfortably with the frontage arrangement of adjoining dwellings along the path, which include open gardens or relatively low means of enclosure. This is the case even allowing for a small shed on the immediately adjoining site and the relatively high means of enclosure around the appeal site.
8. Due to its freestanding nature and scale compared to the host dwelling, the outbuilding also appears as an overdominant and obtrusive feature in views from the parking and circulation area. The projection of the building beyond the front elevation of the host dwelling adds to this jarring appearance.
9. Due to the massing of the building and its proximity to the path, the outbuilding will also be an oppressive and overbearing feature for pedestrians passing along the path.
10. I therefore conclude that, due to its scale and arrangement, the building will lead to significant harm to the character and appearance of the host property and the area. The proposal will therefore be contrary to the design and visual intrusion considerations of Policies CSTP22, PMD1 and PMD2 of the Core Strategy and Policies for Management of Development 2015 (the CSPMD). The proposal will also be contrary to the National Planning Policy Framework (the Framework) in respect of achieving well-designed places. The proposal will also conflict with the advice of the SPD¹ in respect of the unsympathetic siting of outbuildings.

Living Conditions

11. The proposed building is set at the opposite end of the garden of the appeal site from the host dwelling and in relation to No 37. However, the lengths of the gardens are limited which reduces any benefit arising from locating the building at the end of the garden. Due to the height and bulk of the proposal, it is apparent as an overbearing feature in views from the entrance and windows to the front of No 37, as well as from the front garden where neighbouring residents could expect a relatively open aspect. This is the case even allowing for the shed to the front of No 37, which is of a much smaller scale than the appeal proposal.
12. The Council's officer report refers to the effect on the privacy of No 37. It is reasonable to expect a degree of overlooking from neighbouring properties in a residential context, and a degree of overlooking is enabled by the host dwelling of the appeal site. However, even though the appeal proposal is only a single storey, views from the windows of the outbuilding provide an elevated view above the boundary fence between the properties. This will enable an intrusive

¹ Thurrock Design Guide - Residential Alterations & Extensions Supplementary Planning Document July 2017

degree of overlooking of the front elevation No 37, including the main entrance and windows, which goes unacceptably beyond that provided by the host dwelling.

13. I therefore conclude that, due to its scale and location, the proposal will lead to significant harm to the living conditions of residents of No 37 in respect of outlook and privacy. The proposal is therefore contrary to the amenity and impact considerations of Policies CSTP22, PMD1 and PMD2 of the CSPMD. The proposal will also be contrary to the Framework which seeks to ensure a high standard of amenity for existing and future users of land and buildings. The proposal will also conflict with the advice of the Council's SPD in respect of the adverse effect on neighbours' enjoyment of their own properties.

Conclusion

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

David Cross

INSPECTOR