



Appeal Decision

Site visit made on 5 September 2023

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2023

Appeal Ref: APP/M1595/D/23/3324183

36 Sabina Road, Chadwell St Mary, RM16 4PJ

- 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 Marius Nenartavicius against the decision of Thurrock Borough Council.
 - The application Ref. 22/01431/HHA, dated 20 October 2022, was refused by notice dated 5 April 2023.
 - The development proposed is described as 'superseding previously approved application. Part One: Erection of porch using render finish to walls. The new proposed porch wall finish materials changed to render finish. Part Two: Partial rendering of existing house matching colour to brick colour. Part Three: New proposed fence wall between the Storage/Outbuilding and Porch. Part Four: The new proposed garage changed use to outbuilding/storage. Wall finish materials changed to render finish'.
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Decision

1. The appeal is allowed and planning permission is granted for (1) erection of porch using render finish to walls. The new proposed porch wall finish materials changed to render finish; (2) partial rendering of existing house matching colour to brick colour; (3) New proposed fence wall between the Storage/Outbuilding and Porch; and (4) proposed garage changed use to outbuilding/storage. Wall finish materials changed to render finish, at 36 Sabina Road, Chadwell St Mary, RM16 4PJ, in accordance with the terms of the application, Ref. 22/01431/HHA, dated 20 October 2022, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: A02 (Ground, First Floor Plans, Front, Rear and Section Views as Proposed); A03 (Ground, First Floor Plans, Front, Rear and Section Views as Proposed); A04 Rev B (Ground, First Floor Plans, Front, Rear and Section Views Showing Proposed Storage); A05 Rev B (Block Plan as Existing and as Built); and A06 (Site Location Plan as Existing).
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as specified on drawing nos. A02 and A04 Rev B.
 - 3) The outbuilding hereby permitted shall not be used at any time other than for purposes ancillary to and incidental to the residential use of the dwelling known as 36 Sabina Road.

Procedural Matters & Background

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.
3. Planning permission was granted by the Council for the 'erection of front porch and demolition of existing garage and erection of garage to rear' under application ref. 21/01751/HHA. The development was not built in accordance with the approved plans, resulting in the submission of the appeal scheme. The development is not complete, insofar as the external finishes have not been applied to the house, porch and outbuilding, and the fence has been constructed without gravel boards.
4. The submitted 'Block Plan as Built' does not appear to include the roof overhang, but as the development is built this has not hindered my assessment of the appeal scheme.

Main Issue

5. The main issue is the effect of the appeal development on the character and appearance of the dwelling, the street scene and the wider area.

Reasons

6. The appeal property is an end-terrace house located in a prominent position at the junction of Sabina Road and Langton Way. The wider area is characterised by short terraces of dwellings dating from the same construction period, and using the same range of materials and detailing. Many have been extended with front porches which vary in size, design and materials. Garages are not a prominent feature in the street scene, but there are stretches of open car parking alongside the road, with some garage blocks to the rear of terraces.
7. The appeal plot is larger than most in the vicinity. As a result, it previously accommodated a detached flat roofed garage. Permission was granted for its replacement by a larger flat roofed garage, of fairly utilitarian design. In this context, the principle of a building at the site with a flat roof has already been accepted, albeit set back further into the site than the appeal outbuilding.
8. As built, the outbuilding projects forward of the front of 34 Sabina Road, an end-terrace house. I note the Council's assessment that there are no examples of buildings positioned forward of the notional building line in Sabina Road. However, although the dwellings within each terrace have a flush elevation, the three terraces to the north of the appeal site are all in staggered positions; the central terrace is set forward of those either side. In this context, the 'notional' building line on the western side of this part of Sabina Road is not uniform, and allows for some flexibility in the siting of buildings.
9. Given the design and form of the previous and approved garages, the form and scale of the appeal outbuilding is appropriate to the original dwelling and the surrounding development pattern, as required by the Thurrock Design Guide Residential Alterations and Extensions SPD 2017 (RAE). The outbuilding has a deep roof overhang which adds some interest, and this detail is included in the porch design. I accept that it is not characteristic of other buildings in the

vicinity, but I do not share the Council's view that it is incongruous and of poor design. It is different from other buildings in the area, but that in itself does not make it harmful. The variety of porch designs locally has not undermined the prevailing character and appearance, and the same would apply in this case. As noted in the introduction to section 3 of the RAE, designs that closely mimic past architectural languages are not necessarily appropriate.

10. Planning permission was granted for a smaller porch at the site, and the Council does not object to the design of the appeal porch, but rather its materials. However, paragraph 4.1 of the RAE notes that when a subservient design approach is used, materials should complement those used in the main house but need not match them. The porch respects and responds positively to the character of the original dwelling such that its character is maintained, as advised in point 4.1.1 of the RAE.
11. With bare breezeblocks on display, the porch and outbuilding do not make a positive contribution to the street scene, but finished in materials to draw the two together, their visual impact would be acceptable. I am mindful that the majority of buildings in the area are of brick finish, but on the wider estate there are some examples of dwellings which have been rendered, and porches of a wide range of materials. The submitted plans indicate that the elevation of the dwelling facing Sabina Road would also be rendered, and provided there is consistency between the dwelling/porch and outbuilding, I consider that the use of render would be acceptable. The use of 'ivory' colour may be noticeable in the street scene, but would also be fairly neutral.
12. The appeal includes a fence which has been installed between the outbuilding and porch. Although the design is not typical within this part of the street scene, it is set back from the road behind the parking area. Within the wider area, there are other examples of solid boundary fencing enclosing rear gardens, some of which are closer to the road than in this case. The fence which has been installed does not diminish the openness of the appeal site or the area, as a generous open front garden remains. As the Council does not suggest that the position of the fence has reduced available on-site parking, I consider that the resulting increase in enclosed garden area is a good use of space.
13. Considered individually and cumulatively, I do not share the Council's assessment that the appeal development creates an overly complex or dominant form of design to the detriment of the character of the area. It is prominent, as a result of the position at the junction and the openness of the site, but it does not constitute poor design which should be resisted.
14. I therefore conclude that the appeal development is acceptable in its impact on the character and appearance of the dwelling, the street scene and the wider area. It accords with Policy CSTP22 of the Thurrock Core Strategy and Policies for Management of Development (as amended) 2015, which amongst other criteria seeks to promote high quality design founded on a thorough understanding of, and positive response to, the local context; with Policy PMD2 of that document, in that it optimizes the potential of the site and would contribute positively to the character of the area; and with guidance in the RAE. It is sympathetic to local character and the surrounding built environment, and by increasing the enclosed garden has created a place with a

high standard of amenity for existing and future users, as sought by paragraph 130 of the National Planning Policy Framework.

Conditions

15. As the development has commenced I have not attached the standard time limit. I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials, in order to safeguard the character and appearance of the development and the area. However, as the appeal includes materials which do not match the house, I have added an alternative form of wording to that suggested by the Council.
16. Given the location and design of the outbuilding, a restriction on its use is appropriate. However, I do not consider that the Council's suggested wording would meet the tests of necessity and reasonableness: creation of a separate unit of residential accommodation or commercial use in a separate planning unit would constitute a material change of use which would require express planning permission. The prohibition on the construction of walls, fences and other means of enclosure would remove Permitted Development rights within the garden without reasonable justification. I have therefore omitted these requirements from the use condition which I have attached.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

H Lock

INSPECTOR