



Appeal Decision

Site visit made on 26 September 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 October 2023

Appeal Ref: APP/M1595/W/23/3314032

Land North of Towers Road, Grays, Thurrock, RM17 6UQ

- 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 Gunning Road Thurrock Ltd against the decision of Thurrock Council.
 - The application Ref 22/00706/FUL, dated 19 May 2022 was refused by notice dated 21 October 2022.
 - The development proposed is erection of Use Class E Building (Commercial, Business, Service).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. For clarity, I have used the site address from the planning appeal form for the purposes of this appeal. This is because it describes the site address more clearly than the address used on the planning application form. I have also made a minor amendment to the description of development to correct a typing error.

Main Issues

3. The main issues are:
 - the effect of the proposal on highway safety, with regard to the vehicular movements to access the site via Gunning Road and the potential for the displacement of vehicles on to the public highway; and
 - the effect of the proposal on the living conditions of neighbouring residential occupiers, with particular regard to noise, disturbance, and privacy for occupiers of Gunning Road.

Reasons

Highway safety

4. To meet the needs of the proposed commercial unit the submitted drawings indicate the provision of three off-street car parking spaces. Whilst the new building would front Towers Road, the vehicular access to the unit and its parking spaces would be via a small parking court associated with the neighbouring residential properties on Gunning Road.

5. The entrance to the parking court is through an existing residential court, arranged in a square. The square has a raised table traffic calming feature, shared surface area, street trees and brick paving. During my site visit, I noted that children's play equipment was stored within the parking court. Overall, the area has an informal, domestic character within which pedestrians and vehicles share the space.
6. At present, there is no through route so any comings and goings within the parking court are associated only with the adjoining residential properties. The introduction of the commercial unit and associated staff and visitor parking, is therefore likely to result in a noticeable increase in vehicular movements within the square and parking court across the day.
7. The appellant states that there would be a policy compliant amount of car parking, and this is not disputed by the Council. However, the access to the site would involve a convoluted, and elongated route through quiet, narrow, residential roads, the residential square and the parking court. The additional vehicular movements through the existing shared surface areas would significantly alter the domestic character of the area and would be likely to lead to conflicts between pedestrians and road users. Consequently, the proposal would be harmful to highway safety in the area.
8. Whilst staff would be familiar with the location and parking layout, it seems to me that visitors arriving at the premises would be more likely to seek parking immediately to the front of the building on Towers Road or the surrounding roads. Consequently, the appeal scheme could result in the displacement of parking to the public highway.
9. The appellant has provided street view images and aerial images which show low levels of on-street car parking within the area on the roads surrounding the site. These do not appear to be time or date stamped, and I cannot be certain of the time of day that the images were taken. The appellant also indicates that during their visits to the site they have never failed to find a parking space on Towers Road.
10. During my site visit, which was mid-morning during the week, I found Towers Road and the surrounding streets to be heavily congested with parked vehicles back-to-back with minimal available parking spaces. In addition, a large number of vehicles were parked on the surrounding pavements. Vehicles overhanging or parked entirely on the footway reduced the space available for pedestrians, and in some circumstances, meant that they needed to step onto the carriageway to round the parked vehicles. Therefore, it was clear that there is demand for parking in the vicinity of the site. Whilst I recognise that this demand may not be evident at all times of day, it does lead me to conclude that parking is at a premium within the locality. Although my visit is a snapshot in time, there is nothing of substance before me to indicate what I experienced was untypical.
11. The proposal, in the context of the limited availability of on-street parking opportunities nearby and the busy nature of Towers Road and surrounding roads, would result in an unacceptable impact to highway safety.
12. For the reasons given above, the proposal would cause harm to highway safety, with particular regard to the space for off-street parking and the potential for conflict between pedestrians and road users. It would conflict with

Policies PMD2 and PMD8 of the Thurrock Core Strategy and Policies for Management of Development (2015) (CSPMD) which, among other things, relate to parking standards, require vehicle parking provision to be safe and of a high quality design, and gives pedestrians and cyclists priority over traffic in scheme designs.

Living conditions of neighbouring occupiers

13. As set out above, at present, there is no through route through Gunning Road. As a result, the residential square and adjoining parking court has a quiet, residential character and any increase in comings and goings is likely to be noticed by neighbouring occupiers.
14. The proposal would result in a noticeable increase in vehicular traffic and comings and goings throughout the week and on Saturdays. I consider that noise from cars accessing, turning and manoeuvring within the site and utilising the proposed parking area, whilst modest, given its potential proximity would be detrimental to the living conditions of occupiers of neighbouring properties.
15. As cars visiting the proposal would pass the area to the front of the neighbouring properties, visitors would not have views to the more sensitive rear areas of the properties. For this reason, I do not find that the proposal would result in a loss of privacy for neighbouring occupiers.
16. For the above reasons, the increase in the amount of movements associated with the development would add unacceptably to the noise and disturbance likely to be experienced by the occupants. I conclude that the proposal would harm the living conditions of the occupiers of properties on Gunning Road, with particular reference to noise and disturbance. I therefore find that it would conflict with Policy PMD1 and PMD2 of the CSPMD. Amongst other aspects, these seek to protect the living conditions of occupiers of neighbouring adjoining properties and require development to contribute positively to the character of the area.

Other Matters

17. The appellant has indicated that they would be willing to accept a planning condition restricting the hours of use, from 8am to 6pm, Monday to Friday, and 9am to 4pm on Saturdays, with no use on Sundays. However, the suggested condition would allow the use of the premises for a large proportion of the week, including much of Saturday. Therefore, it would not sufficiently mitigate against the harm that I have identified to neighbouring residents in terms of noise and disturbance.
18. The occupiers of the houses in Gunning Road may work from home. However, this factor would be likely to reduce the comings and goings within the parking court, further emphasising the quiet, residential character of the area. Car parking in the parking court and surrounding parts of Gunning Road is currently unrestricted. Be that as it may, this matter does not outweigh the harm I have identified.

Conclusion

19. The proposal would conflict with the development plan and there are no other considerations, including the Framework, that outweigh this conflict. For the reasons outlined above, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR