



Appeal Decision

Site visit made on 28 September 2023

by R Lawrence MRTPI, BSc (hons), PGDip (TP)

an Inspector appointed by the Secretary of State

Decision date: 9th November 2023

Appeal Ref: APP/M1595/W/23/3319086

45 Sanderling Close, East Tilbury, Thurrock, Essex RM18 8FF

- 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 Parris Stoker against the decision of Thurrock Borough Council.
 - The application Ref 22/01097/FUL, dated 8 August 2022, was refused by notice dated 31 October 2022.
 - The development is described as “drive and fence extension”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development above is taken from the application form. However, the plans and decision notice indicate that there are several other elements to the scheme including a change of use of the land and new vehicular access. The Council assessed the application on that basis and I have determined the appeal in the same manner.
3. I noted at the site visit that the development had already taken place. I have proceeded on the basis that permission is being sought retrospectively for the development shown on the plans submitted with the application.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area, and
 - the effect of the development on highway safety.

Reasons

Character and appearance

5. The appeal site comprises a corner plot which includes a two-storey dwelling, located within a relatively new residential estate. The openness of the estate is a key characteristic and the estate features numerous open grass areas and verges. The frontages of properties on the estate are also open and generally free from enclosure.
6. The change of use and enclosure of the land to the side of the property is at odds with the open character of the estate. Although I accept that the land did

not provide a formal area of open space, such areas contribute positively to the character and appearance of the area.

7. The solid high fencing stands out as being discordant in views along Turnstone Close due to its projection beyond the side of the appeal property, and its position further forward of the building line of properties on Turnstone Close, resulting in a prominent appearance that further harms the open character. Where high close board fencing is used elsewhere in the estate, it is used to enclose rear gardens, set behind front building lines, and set away from roads.
8. I therefore conclude that the proposal is materially harmful to the character and appearance of the area. The proposal therefore conflicts with Policies CSTP22, and PMD2 of the Thurrock LDF Core Strategy and Policies for the Management of Development DPD (as amended) 2015 (LDF). These policies seek, amongst other matters, to ensure that development contributes positively to the character of the area in which it is located and is founded on a thorough understanding of, and positively responds to, the local context.

Highway safety

9. The road to the front of the appeal site comprises a shared surface. To the side of the site is a further shared surface area. The enclosure of the land to the side of the appeal property restricts visibility for both pedestrians and vehicles using the shared surface areas, and those crossing at the junction. In particular, the development restricts views of properties and driveways to the rear of the appeal site, on Turnstone Close. Good visibility is key to the safe operation of shared surface areas, such as those adjacent to the appeal site and the development adversely impacts upon this.
10. The new parking area includes the creation of a vehicle crossover in very close proximity to the junction, and onto a shared surface area. The parking area does not provide the facility for turning such to enable a car to enter and leave in a forward gear. Whilst this is not unusual on a residential estate, given the proximity to the junction and shared surface areas, the reduced visibility for cars entering/exiting the parking area creates a hazard for road users.
11. The appellant has drawn my attention to other locations on the estate, where visibility is compromised, contending this is not an unusual position. Even if I were to accept this, it does not justify the creation of another hazardous situation.
12. In conclusion, the proposal results in a material adverse impact on highway safety. The application is therefore contrary to Policies PMD2 and PMD9 of the LDF which seek, amongst other matters, to ensure that development provides easy and safe access for all members of the community and that new accesses do not prejudice road safety.

Other Matters

13. I note that the development was undertaken to address issues relating to littering and dog fouling, as well as to prevent damage to the appeal property. Although these are potential benefits to the proposal, there is no clear evidence that the issues could not be addressed by other means. These do not therefore justify the harm identified.

14. I understand that the works were undertaken by the house builder rather than the appellant, and that it was a fault of the original design that corner plot homes do not have a clear boundary. Whilst I recognise this puts the appellant in a difficult position, it is a private matter to be resolved between them and the housebuilder and does not justify the harm identified.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R. Lawrence

INSPECTOR