



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: 14 November 2023

Appeal Ref: APP/M1595/W/23/3317325

15 Nursery Close, Thurrock, South Ockendon RM15 6DD

- 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 C/O Capstick - Dale and Partners, against the decision of Thurrock Borough Council.
 - The application Ref 22/01102/FUL, dated 10 August 2022, was refused by notice dated 19 October 2022.
 - The development proposed is the formation of a 1-bedroom, 2-person dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the formation of a 1-bedroom, 2-person dwelling at 15 Nursery Close, Thurrock, South Ockendon RM15 6DD in accordance with the terms of the application Ref 22/01102/FUL, dated 10 August 2022, subject to the conditions in the attached schedule.

Preliminary Matters

2. The appellant has submitted a rebuttal statement, prepared by Intermodal Transport Ltd in relation to the second reason for refusal. This was not submitted as part of the original planning application. Nonetheless, the appeal procedure has provided an opportunity for the parties to comment on that assessment, and I have taken account of all the evidence submitted in relation to this in my determination of this appeal.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the area, and
 - Whether the proposal would provide sufficient off-street parking and, the effect upon highway safety.

Reasons

Character and appearance

4. The appeal site comprises a semi-detached, two storey property with an attached garage, located at the end of a cul-de-sac. The street scene is characterised by similar pairs of semi-detached properties, some of which have been extended to the side. One exception to this established pattern, is a detached bungalow located opposite the appeal site.

5. The proposed dwelling would differ in its form and character from the wider street scene, in that it would be detached, and slightly set back from the front building line. However, the set back of the dwelling together with its location at the end of a cul-de-sac, would ensure that it would not appear unduly prominent. As it would be sited opposite a detached bungalow, there is already a difference in character at this end of the cul-de-sac. Although I accept that the detached bungalow is not representative of the wider character and was approved a significant time ago, an additional detached dwelling in this location would sit comfortably within this context where it provides some variation at the end of the cul-de-sac.
6. The appearance of the dwelling would closely replicate that of other dwellings in the street scene. This would include features such as the window pattern, choice of external materials and the roof form. Whilst the building would be more modest in terms of its width, and detached rather than semi-detached, there would be sufficient consistency in terms of its scale, siting and appearance to blend in with its surroundings.
7. The proposal would result in modest plot sizes both for the existing and the new dwelling thereby limiting opportunities for soft landscaping. A large portion of the frontage to the properties would be given over to hard surfacing for car parking and the rear garden sizes would be small. The submitted plans do not include details of existing and proposed landscaping, however, I accept that due to the proximity of the dwelling to the side boundary, it would likely necessitate the loss of existing landscaping including a small tree. The footprint of the dwelling would extend further rear, and closer to the rear planted boundary than the existing garage, although not as close as the existing host dwelling. Given the location of the existing planting, together with the limited height and stature of existing planting, I find that some loss of landscaping here would be acceptable in terms of its effect on the street scene. There is some limited scope to secure a soft landscaping scheme, which could be secured by condition in the event of my allowing the appeal.
8. Having regard to the above, I find the proposal would be acceptable in terms of its effect upon the character and appearance of the area. The proposal would therefore accord with Policies CSTP22, CSTP23 and PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development (as amended) 2015 (LP) as well as retained Annex 1 of the adopted Thurrock Borough Local Plan (1997). Taken together, and insofar as relevant, these policies seek to secure a high standard of design which positively responds to its context and the local distinctiveness of the area. Policy PMD1 of the LP is also listed in the first reason for refusal, however, as this policy relates to minimising pollution and impacts on amenity, it is of limited relevance to the main issue.

Highway safety and parking

9. The appeal site contains an existing garage to be demolished as part of the proposal. There is also an existing area of hardstanding to the front, which would be extended to provide parking for the existing and proposed dwelling.
10. The appellants rebuttal statement contains several swept path diagrams and demonstrates that it would be possible for cars to manoeuvre in and out of the three proposed parking spaces. There would be a need for vehicles to reverse

either in or out of the spaces and the two spaces for the existing dwelling would be in tandem.

11. Both pedestrian and vehicle movements would likely be low in number and given the location at the end of a cul-de-sac vehicle speeds would also be low. I note that a requirement to reverse in or out of parking spaces is common within the cul-de-sac with several garages having been converted. As such, the proposed car parking spaces appear to be suitably accessible, having regard to the site context.
12. The number of car parking spaces is acceptable to the Council and there is no contrary evidence before me. Whilst I understand that no provision is made for visitor parking, my attention has not been drawn to any policy conflict in this respect. From my observations on site, there appeared to be some capacity for visitor parking on street within Nursery Close although this only illustrates a snapshot at one point in time and may not be representative of peak demand.
13. The proposed floor plans indicate an office space at first floor, third parties have expressed concerns that this could be used as an additional bedroom, thereby increasing parking demand. Whilst internal changes to rooms can generally be made without planning permission, I can only judge the proposal based on the plans before me. Furthermore, there is no substantive evidence to indicate that even if the office were to be used as an additional bedroom, it would generate additional vehicles or a need for additional car parking.
14. The width of the crossover proposed would be increased, although the Council's submissions do not substantiate any harm that would arise from this. From my own observations, pedestrian and vehicle movements would be very low, given the location at the end of a cul-de-sac. The increased width of the crossover would not appear to result in any harm to the flow of pedestrians or vehicles.
15. My attention is drawn to the potential for an access gate to no 9 Mollands Lane being blocked if cars were not parked properly. I note there are gates on the side boundary to this property adjacent to the appeal site, although there is no existing vehicular crossover. In any event, as the proposed car parking spaces would be sufficient in number, and would be accessible, there is no evidence to indicate that an obstruction of the gates would be likely.
16. Having regard to the above, the proposal would provide sufficient off-street parking, and in turn, would be acceptable in terms of its effect upon highway safety. The proposal would therefore accord with Policies PMD2, PMD8 and PMD9 of the LP. These policies seek to ensure the provision of easy and safe access, car parking in accordance with the Council's standards and that road safety is not prejudiced.

Other Matters

17. I have had regard to representations including about parking, highway safety, character and appearance, accessibility matters and impacts on neighbouring properties. Those matters relevant to the main issues are considered above.
18. In respect of neighbouring properties, the proposed house would be close to the boundary with the rear garden serving No 9 Mollands Lane. There is no substantive evidence that the proposal would result in material adverse impacts on this neighbour by way of overlooking or loss of sunlight. The proposed house is well separated from the house at No 9, thereby limiting any

effects. Window positioning would avoid any direct overlooking of No 9, or any other property. Although some oblique views would be afforded, a degree of intervisibility is to be expected in built-up residential areas such as this.

19. The proposed site layout for 2 dwellings, would be more compact than existing which would pose some challenges for matters relating to cycle and bin storage. However, there is no substantive evidence to indicate that these matters could not be accommodated in an acceptable manner within the site, and in the event of my allowing the appeal, could be controlled by conditions.
20. Concern has been expressed in relation to wheelchair access. My attention has not been drawn to any associated policy conflict in this respect and furthermore, there are separate controls in place through Building Regulations.

Conditions

21. The Council has suggested a number of conditions in the event of my allowing the appeal, which I have considered against the tests in the National Planning Policy Framework (the Framework) and the advice in the Planning Practice Guidance. I have made amendments as necessary to comply with those documents and for clarity and consistency.
22. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans in the interests of certainty.
23. A landscaping condition is necessary to protect the character and appearance of the area, together with details of cycle and refuse store(s), however, it has not been shown that this is required prior to the commencement of development. Furthermore, some of the requirements suggested would not be reasonably necessary to the development proposed, I have therefore amended the condition accordingly.
24. A condition to require the first-floor bathroom window on the flank elevation to be obscurely glazed is required in the interests of the privacy of neighbouring occupiers.
25. An hours of construction condition is required in order to protect the living conditions of neighbouring occupiers. I have not found it necessary to impose additional restrictions in respect of piling or burning of construction waste, this is controlled by other legislation.
26. A blanket removal of permitted development rights has been suggested by the Council. Part of the justification provided by the Council refers to reasons relating to the Green Belt, which the site does not fall within, justification also includes safeguarding neighbouring occupiers and the visual amenity of the area, although these matters are not substantiated by the Council. These matters do not amount to exceptional circumstances such to justify the removal of permitted development rights.

Conclusion

27. For the above reasons I conclude that the proposal accords with the development plan as a whole. There are no other material considerations that indicate that a decision should be taken other than in accordance with it. Therefore the appeal is allowed.

R Lawrence

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: SL21.10.381-02P3 (Location / block plans) and SL21.10.381-01P2 (Proposed plans and elevations).
- 3) No development above slab level shall take place until samples of all external facing materials have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved sample details.

The additional dwelling hereby permitted, shall not be first occupied until a scheme of hard and soft landscaping, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include:

- Details of all planting, seeding or turfing
 - Indications of all existing trees and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development
 - All proposed means of enclosure including all boundary treatments
 - Details of all external hard surface materials.
 - Details of bin and cycle store(s) to serve both the existing and proposed dwellings
- 4) All planting, seeding or turfing comprised in the approved details of landscaping (condition 4) shall be carried out in the first planting and seeding seasons following the first occupation of the additional dwelling or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

All approved hard landscaping (condition 4) shall also be carried out in accordance with the approved details prior to the first occupation of the new dwelling or the completion of the development, whichever is the sooner.

- 5) Demolition or construction works pursuant to this permission shall take place only between Monday to Friday 0800-1800 hours, and Saturdays 0800 – 1300 hours; and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) The additional dwelling hereby permitted shall not be first occupied until space has been laid out within the site in accordance with drawing no. SL21.10.381-02P3 for cars to be parked and that space shall thereafter be kept available at all times for the parking of vehicles.
- 7) The building/extension hereby permitted shall not be occupied until the bathroom window at first floor level has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and

approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.