



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: 20th November 2023

Appeal Ref: APP/M1595/W/23/3314882

Stanford House, Princess Margaret Road, East Tilbury RM18 8YP

- 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 Globalmanor Ltd against the decision of Thurrock Council.
 - The application Ref 20/01171/FUL, dated 2 September 2020, was refused by notice dated 1 November 2022.
 - The development proposed is Conversion of ground floor ancillary retail storage units (E Use Class) to provide 1 x 2 bedroom flat and 2 x1 bedroom flats (C3 Use Class) with associated landscaping.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of ground floor ancillary retail storage units (E Use Class) to provide 1 x 2 bedroom flat and 2 x1 bedroom flats (C3 Use Class) with associated landscaping at Stanford House, Princess Margaret Road, East Tilbury RM18 8YP in accordance with the terms of the application Ref 20/01171/FUL dated 2 September 2020, and the plans submitted with it, subject to the conditions in the attached schedule.

Preliminary Matter

2. The proposal was amended during the determination of the planning application. For this reason, I have used the description of development on the appellant's appeal form as this provides a more accurate description of the proposal.

Main Issues

3. The main issue in this appeal is whether the proposal would provide future occupiers with adequate living conditions having regard to outlook.

Reasons

4. The rear of Stanford House fronts the rear wall of a boxing club and a storage building. These buildings are single storey with a pitched roof, and are separated from the rear of Stanford House by a service road.
5. Since the determination of previous appeals¹ at the site the appellant has acquired ownership of the rear service road. As a result, the area of service road immediately outside the residential units will be landscaped to comprise grass block pavers; a landscaped communal garden with a green wall planted on the opposing storage building wall and eight birch trees planted within it.

¹ APP/M1595/A/03/1119836 and APP/M1595/A/02/1098614

This landscaped area will be enclosed and therefore the area would not be shared with other non-residential uses.

6. The submitted drawings indicate that the neighbouring building is located 8.9m from the rear elevation of Units 2 and 3, albeit both units would have 'oriel' windows which project slightly closer. The projecting oriel windows would enable future occupiers to have views in additional aspects to the north and south. The units would also have terraces with recessed full height windows.
7. Given the relatively low height of the single storey storage building, future occupiers would be able to see over the top of the building allowing views to the distance. The occupiers' primary views would be onto the communal amenity area with the neighbouring building's wall softened by the planting of birch trees and the green wall. As a result, units 2 and 3 would provide good levels of outlook. Overall, I am not persuaded that people living in either unit would feel that the living environment was oppressive.
8. The wall of the neighbouring boxing gym creates a pinch point with unit 1. The submitted drawings indicate that the boxing gym's wall would be 3.5m from Unit 1's elevation. A planter would be installed to soften views of the wall, however, due to the proximity of it to the bedroom windows, future occupiers would have restricted outlook from these rooms.
9. Notwithstanding this, Unit 1 would have two additional areas of large glazing, including an oriel window providing additional views in different aspects, which are located beyond the pinch point, and would allow a more expansive outlook into the communal garden. These windows would serve the kitchen/dining/living room, within which future occupiers are likely to spend a significant proportion of their time.
10. Given the separation distance of these windows to the nearest built form, they would not be overly enclosed and would receive good levels of natural light. The unit, at 116 square metres, would significantly exceed the 70 square metre minimum floor area for a two bed, four person unit set by the Government's Technical housing standards – nationally described space standard (2015). As a result of these collective features, I am not persuaded that a person living here would find the level of outlook across the entire property to be dominated by the neighbouring buildings or feel that the living environment was oppressive.
11. I have imposed a condition requiring full details of the proposed planting including the birch trees, green wall and box planters, and the boundary of the site to be submitted to the Council. This will ensure that the proposed planting is sufficient to mitigate the impact of the neighbouring buildings, and that a high quality communal area is provided for future residents.
12. For the reasons outlined above, I conclude that the proposal would provide future occupiers with adequate living conditions having regard to outlook. Accordingly, I find no conflict with Policy PMD1 of the Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (2015) or the principles outlined within paragraph 130 of the National Planning Policy Framework (2023). Taken together, these seek development which would not cause unacceptable effect on the amenity, health or safety of future occupiers.

Other Matters

Thames Estuary and Marshes Special Protection Area

13. The appeal scheme proposes a net increase of three units on a site that lies within the Zone of Influence of the Thames Estuary and Marshes Special Protection Area (SPA).
14. The Conservation of Habitat and Species Regulations 2017 (the Regulations) require that the competent authority must ensure that there are no significant adverse effects from the proposed development, either alone or in combination with other projects, that would adversely affect the integrity of the SPA. The effects arising from the proposal need to be considered in combination with other development in the area and adopting a precautionary approach.
15. Since the development is for three dwellings, the number of additional recreational visitors would be limited and the likely effects on SPA from the proposed development alone may not be significant. However, in combination with other developments it is likely that the proposal would have significant effects on the designated site.
16. Given my findings, the Regulations place a duty on the competent authority to undertake an appropriate assessment of the implications of the appeal scheme in view of the site's conservation objectives.
17. The site is within the zone of influence where new residential development is likely to result in recreational pressure, which would, both alone and in combination with other development within the zone of influence, have a likely significant effect on the interest features of the aforementioned site. Therefore, I consider that the development would have an adverse effect on the integrity of the site, but regard can be had to whether these adverse effects can be mitigated.
18. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) sets out a strategic approach to mitigation by several councils across the wider area. It details mitigation measures that would be funded by financial contributions at a specified tariff per dwelling. Since these include a range of habitat-based measures such as education, communication and monitoring, and have been endorsed by Natural England, I am satisfied that the measures would adequately overcome any adverse effects of the proposal on the SPA.
19. The appellants have indicated that they have made a per dwelling contribution of £156.76 to fund the Essex Coast RAMS and a unilateral undertaking (deed dated 16 August 2023) has been submitted for this purpose. The unilateral undertaking required that the contributions are used by the Council towards the objectives set out in the RAMS developed by the Essex Local Planning Authorities. The Council have confirmed receipt of the payment.
20. I therefore consider that the relevant measures in the unilateral undertaking are necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development and that they would comply with the provisions of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended), and the tests for planning obligations set out in the Framework. As such, the contribution toward the mitigation schemes would count as mitigation toward maintaining the integrity of the sites.

Conservation Area

21. The appeal property is within the East Tilbury Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me, in determining this appeal, to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
22. The CA covers an area encompassing the former factory complex of the British Bata Shoe Company and a large housing development of houses in a 'garden village' setting. Its significance is derived from the form of the industrial buildings, and the layout of the estate housing and the community facilities arranged in different zones around generous open space. The appeal property is located within a central area of the CA and is the largest building outside of the factory complex. It is surrounded by generous open space, particularly to the front and sides of the building, albeit much is in use for car parking.
23. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, is primarily associated with the size and scale of the building within the central core of the CA and the experience of spaciousness surrounding the front of the building.
24. The proposal does not involve enlargement of the building and the alterations associated with the rear fenestration and proposed landscaping would not impact the form of the building or sense of openness surrounding it.
25. Accordingly, it is my view that that the proposal would not be detrimental to the CA and would thus preserve its significance as a whole.

Conditions

26. I have had regard to the various planning conditions that have been suggested. I have considered them against the tests in the Framework and the advice in the Planning Practice Guidance (PPG). I have made such amendments as necessary to comply with those documents and for clarity and consistency.
27. In addition to the standard time limit, I have imposed an approved plans condition in the interests of certainty.
28. A condition requiring details and samples of the external materials is necessary in the interests of the character and appearance of the area. Likewise, a condition related to the approval of hard and soft landscaping is necessary in the interests of the character and appearance of the area and the living conditions of future occupiers. However, I have modified both conditions because the details are not required prior to commencement of the development.
29. I have included a condition requiring the provision of car parking for residents in the interests of highway safety. A condition restricting the hours of demolition and construction works is necessary to protect the living conditions of neighbouring occupiers.
30. However, I have not imposed a condition requiring the submission of a Construction Management Plan and Waste Management Plan. This is because the proposal primarily involves internal works rather than the construction of new buildings which would involve significant excavation works. Nor has my attention been drawn to any significant contamination concerns. Therefore, I

have not been provided with sufficient evidence as to why this condition would be reasonable or necessary.

Conclusion

31. For the above reasons, and having had regard to all other matters raised, I conclude that the proposed development would accord with the development plan and the Framework. The appeal is therefore allowed.

B Pattison

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

The development hereby permitted shall be carried out in accordance with the following approved plans: 1927-A-DR-01-2001 Rev P01; 1927-A-DR-01-1002 Rev P01; 1927-A-DR-00-0001 Rev P01; 1927-A-DR-01-1002 Rev P01; 1927-A-DR-01-2001 Rev P01; Plan 3 Parking Block Plan; 1927-A-DR-11-2001 Rev P07; 1927-A-DR-11-2002 Rev P06; 1927-A-DR-11-2003 Rev P06; 1927-A-DR-11-1002 Rev P06; 1927 A-DR-10-0002 Rev P05.

- 2) The external alterations hereby permitted shall not be installed until details and samples of the materials to be used in the external surfaces 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 details.
- 3) The development hereby permitted shall not be occupied until details relating to the provision of suitably surfaced, laid out, drained and delineated car parking spaces in accordance with the Council's adopted parking standards have been submitted to and approved in writing by the Local Planning Authority.

No part of the parking area shall be isolated (by way of lockable bollards or other means) to restrict its use in any way. The parking shall be constructed prior to the occupation of the development and shall be available for use by the occupiers of the dwellings thereafter.

- 4) No demolition, building work or deliveries shall be carried out before 8am or after 6pm on Mondays to Fridays or before 9am or after 1pm on Saturdays and not at all on Sundays or Bank Holidays.
- 5) The development hereby permitted shall not be occupied until full details of both hard and soft landscaping works have been submitted to and approved in writing by the Local Planning Authority. The details shall include:
 - All species, planting sizes and planting densities, spread of all trees and hedgerows within or overhanging the site;
 - Minor artefacts and structures (e.g. furniture);
 - Means of enclosure;
 - Finished levels and contours; and
 - Hard surfacing materials

All soft landscaping comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the first occupation of the dwellings or the completion of the development whichever is the sooner. All shrubs, trees and hedge planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority. All hard landscaping shall also be carried out in accordance

with the approved details prior to the occupation of any part of the development or in accordance with a programme to be agreed in writing with the Local Planning Authority.

END OF SCHEDULE