



Appeal Decision

Site visit made on 22 January 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/M1595/W/23/3319602

37 Bridge Road, Grays RM17 6BU

- 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 Wojciech Bien against the decision of Thurrock Borough Council.
 - The application Ref 21/00606/FUL, dated 9 April 2021, was refused by notice dated 7 October 2022.
 - The development proposed is a self contained dwelling unit at the rear of existing HMO.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In December 2023, the Government published a revised National Planning Policy Framework (the Framework) accompanied by a written ministerial statement (WMS). The revised Framework is a material consideration which should be taken into account from the day of publication. The revisions to the Framework are not material to this appeal. Having considered the revisions and in light of the principles of natural justice, in this instance I do not consider it necessary to invite any submissions from the parties on the revised Framework.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area;
 - whether suitable living conditions would be provided for future occupants of the development, with regard to outlook and the provision of internal and external space; and
 - the effect of the proposal on highway safety, having regard to the proposed parking arrangements.

Reasons

Character and appearance

4. The appeal site comprises a two-storey building and its associated garden and parking area. The site is adjacent to a narrow, unmade track that provides access to the rear of neighbouring properties. Development in the area primarily comprises two-storey dwellings fronting the surrounding roads. To the

rear, properties are typically characterised by single-storey outbuildings finished with flat roofs.

5. The proposal is for a single-storey detached dwelling, positioned adjacent to the neighbouring outbuildings. The presence of a dwelling in this location would be at odds with the character of development to the rear of residential properties. The dwelling would have a flat roof and would front the existing building at the site. Although similar in form and scale to the neighbouring outbuildings, the dwelling would have a character incongruent with its surroundings given its proposed use as a dwelling.
6. The building would not be visually dominant given its diminutive scale, particularly in views from Bridge Road. However, a dwelling in the position proposed would be discordant with the prevailing layout of dwellings in the surroundings. Moreover, the orientation of the dwelling, which would front the existing building, would present a blank façade to the access track harming the appearance of the street scene. I acknowledge that the visual effect of the dwelling on the area would not be significant. However, both local and national planning policies require development to be of a high standard of design and the limited effect on views from Bridge Road would not make the proposal acceptable.
7. I conclude that the development would harm the character and appearance of the area. The proposal would therefore conflict with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015) (CS), which collectively require proposals to demonstrate high quality design and contribute positively to the character of the area. It would also conflict with the Framework which seeks to ensure that development add to the overall quality of the area and are visually attractive as a result of good architecture.

Living conditions

8. The dwelling would have one bedroom located to the rear of the kitchen and sitting room. The bedroom would have a roof light, which would provide light and ventilation. However, the lack of windows would result in future occupants having no outlook. The kitchen and sitting room would have a reasonable outlook due to the presence of windows. Nonetheless, whilst most of the activity may take place in the kitchen and living space, the lack of any outlook within the bedroom would result in a poor standard of accommodation for future occupants.
9. The internal space within the dwelling would be limited. The confined layout would limit the provision of storage facilities and circulation space, particularly once furnished and if occupied by two persons. Although the Council does not have a specific development plan policy relating to the Nationally Described Space Standards, the space within the dwelling would be cramped. Consequently, the internal space would be insufficient and would result in a poor standard of accommodation.
10. The existing building has limited external amenity space to the rear. The proposal would be positioned beyond this amenity space. The submitted drawings indicate that the external space would be shared with the existing property. Annex 1 of the Thurrock Borough Local Plan (1997) (Annexe 1) sets out the Council's standards in respect of private amenity space for new

dwellings. Although the external space could improve the amenity area for the existing building, the space provided for the proposal would be unsatisfactory given the communal nature of the area. The external space could be subdivided, however I cannot be certain that sufficient private amenity space could be provided in accordance with the standards set out in Annexe 1.

11. I conclude that the development would not provide suitable living conditions for future occupants of the dwelling. The proposal therefore conflicts with Policy PMD1 of the CS and the retained Annexe 1, which state that development will not be permitted where it would cause or is likely to cause unacceptable effects on the amenity of future occupiers of the site and the Framework, which requires a high standard of amenity for existing and future users.

Parking

12. The local highway network comprises several narrow roads, including Bridge Street to the front of the site. The surrounding roads are subject to on-street parking restrictions. The adjacent access track appears to have only limited capacity for additional informal parking. The site includes a parking area to the rear of the building.
13. The small scale of the dwelling would not result in a requirement for significant parking provision. The site is close to local facilities and services thereby reducing the reliance of future occupants on private vehicles. However, the proposal would result in the loss of parking spaces relating to the existing building. The loss of the existing spaces would be likely to result in additional on-street parking in the area to the detriment of highway safety.
14. I conclude that development would have an unaccepted effect on highway safety through the loss of the existing parking spaces. The proposal would therefore conflict with Policies PMD2 and PMD8 of the CS and the Framework, which collectively require development to demonstrate high quality design, responding to the sensitivity of the site and its surroundings, comply with adopted parking standards and not have unacceptable impacts on the road network or highway safety.

Other Matters

15. No details have been provided identifying the location for waste and recycling storage facilities. The appellant submits that such details can be secured via condition. Given the size and layout of the site, the provision of waste and recycling storage facilities could be secured by way of a condition if the appeal was to be allowed.

Planning Balance

16. The Framework does not change the statutory status of the development plan as the starting point for decision making. The proposal is not in accordance with the aforementioned policies of the CS, with the associated conflict reflecting harm to character and appearance of the area, the living conditions of future occupants and in respect of highway safety. The development conflicts with the development plan as a whole and should be refused unless other material considerations indicate otherwise.
17. The appellant states that the Council has not met the requirements of Housing Delivery Test but has not presented substantive evidence to support this

position. Nevertheless, the Council has not challenged this assertion. Paragraph 11 d) of the Framework explains that in these circumstances, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

18. The proposal would make a positive contribution to housing supply within walking distance of services and facilities with associated social and economic benefits during the period of construction and once the dwellings are occupied. However, the contribution of one additional dwelling to meeting housing need in Thurrock through a more efficient use of land in an urban area and the associated benefits are limited by the scale of the development proposed.
19. In the particular circumstances of this case, I have concluded that the effect on the character and appearance of the area, the living conditions of occupants of adjacent properties and highway safety conflict with policies of the Framework. The adverse impacts would therefore significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Conclusion

20. The proposal conflicts with the development plan when considered as a whole. The material considerations in this case do not indicate that a decision should be determined otherwise than in accordance with the development plan. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR