
Appeal Decision

Site visit made on 3 April 2024

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18th April 2024

Appeal Ref: APP/M1595/W/23/3330055

32 Rainbow Lane, Stanford-le-Hope SS17 0AS

- 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 P Hawkins against the decision of Thurrock Borough Council.
 - The application Ref 23/00303/FUL, dated 15 March 2023, was refused by notice dated 15 June 2023.
 - The development proposed is a new dwelling to the south of the existing property, No 32, including associated parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are;
 - Whether suitable mitigation has been ensured to prevent unacceptable effects on a protected site, in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy
 - The effects of the proposal on the character of the area
 - The effects of the proposal on highway safety

Reasons

Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy

3. The appeal site is within a Zone of Influence for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development here is likely to have a significant effect on the sensitive features of these coastal European designated sites through increased recreational pressure when considered in combination with other plans and projects. Natural England advise that Local Authorities must seek to secure necessary mitigation. Mitigation in the form of a financial contribution is expected to be in line with the Essex Coast RAMS requirements to help fund strategic off-site measures.
4. At the time that the application was considered by the Council no such payment had been made and no mechanism to secure such a contribution was in place. Within the appeal submissions the appellant states that she

understands the value the importance of this matter and the potential for recreational disturbance from the future occupants of the proposed development. It is added that she is happy to mitigate any harm on these sites through the potential increased disturbance from recreational activity from the future residents of the dwelling. The issue is, therefore, not contested by the appellant and I agree that a contribution is necessary to make the proposal acceptable.

5. Within the appeal submissions the appellant adds, *"The Appellant will have made payment for the financial contribution as part of the appeal process prior to the determination of the appeal and therefore, the reason for refusal will fall away. This will be confirmed under separate cover."* However, there is no record of any such contribution being made and no such confirmation has been submitted by the appellant. In the absence of any mechanism to ensure that such a contribution would be made, I conclude that the proposal, in combination with other projects, would be likely to give rise to unacceptable recreational pressure on the protected sites, contrary to Policy CSTP19 of the Council's *Core Strategy and Policies for Managing Development (adopted January 2015)* (CSPMD).

The effects of the proposal on the character of the area

6. The appeal relates to the side garden area of No 32 Rainbow Lane, a semi-detached 2 storey house. Rainbow Lane contains a number of similarly designed modest, semi-detached houses. The site sits at the corner of the road which becomes Billet Lane after the 90 degrees turn. Billet Lane also contains similar semi-detached houses. On the opposite side of Rainbow Lane is open, flat agricultural land and on the opposite side of Billet Lane is open sports fields. The surrounding open land gives a significant feeling of openness and spaciousness here, particularly at this corner where flat open land is apparent on both sides. I consider that the open nature of this side garden contributes positively to that sense of spaciousness.
7. The proposal would place a 2 storey house at an angle within this site which would have a small, almost triangular rear garden area. It appears that the house has been designed in order to seek to prevent unacceptable overlooking of the neighbouring properties, with large expanses of blank wall on all elevations but particularly so on the rear and side elevations.
8. The proposed house would undoubtedly reduce the openness of the appeal site. The house would span almost the entire width of the site and would be highly visible at this corner site. Whilst it would retain some space around it, I consider that the lack of space to the sides, the small triangular rear garden and the prominence of the development would mean that it would unacceptably reduce the space and openness at this corner, where it currently contributes positively to the character of the area. The design of the proposal is different to the other houses in the area; this need not give rise to an objection of principal but in this case, I consider that the large areas of blank elevations and the arrangement of the relatively small windows has an awkward appearance which would add to the prominence of the building here. For these reasons the proposal conflicts with Policies CSTP19 and PMD2 of the CSPMD.

Highway Safety

9. The Council's reason for refusal in relation to this matter is based on the lack of sufficient information provided with the application. It appears to arise from the consultation response provided by the Highways Development Control section of the Council, which asks for additional information. Although no additional information was provided at the application stage, the appellant has submitted with the appeal a plan which is intended to improve visibility for drivers and pedestrians at this corner. No additional comments in response have been provided by the Council in this respect. My observations on site indicates that the proposed crossover would be unlikely to intrude within the radius of the bend in the road and the submitted plan indicates this also. It also includes provisions that would improve forward visibility for drivers at this bend in the road. On the basis of the information submitted, and in the absence of any contradictory statements from the Council in relation to the newly submitted information, I consider that the proposal would not have any unacceptable effects in relation to highway safety.

Planning Balance and Conclusions

10. The proposed development would provide one new home and I attach some weight to this although it must be limited by the very small scale of the proposal.
11. The appellant indicates that the Council cannot demonstrate a 5-year supply of deliverable housing sites and the Council has not sought to contradict this. In accordance with the provisions of the Framework, this means that policies which are most important for determining the appeal are out-of-date, and the proposal should be considered in the context of the presumption in favour of sustainable development as set out in the Framework; the so-called tilted balance in paragraph 11d)ii is engaged. I have identified considerable environmental harm in relation to the development of the proposal as a result in the likely harm to a protected site and to the character of the area. As a result of the harm identified, I consider that the proposal would give rise to harm which significantly and demonstrably outweighs its benefits when assessed against the policies in the Framework as a whole.
12. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the appeal should be determined in accordance with the development plan unless material considerations indicate otherwise. I have concluded that the proposal conflicts with the development plan when read as a whole. Given that on the basis of the planning balance it would not be sustainable development, there are no material considerations warranting a decision other than in accordance with the development plan. Therefore, for the reasons set out above, I conclude that the appeal should be dismissed.

T Wood

INSPECTOR