
Appeal Decision

Site visit made on 13 June 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st July 2024

Appeal Ref: APP/M1595/W/23/3331499

Land Adjacent 5 Malpas Road, Chadwell St Mary, Essex RM16 4QX

- 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 James Hughes against the decision of Thurrock Council.
 - The application reference is 23/00627/FUL.
 - The proposed development is for a two bedroom end terrace house with associated parking and landscaping.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. My attention has been drawn to previous appeals on the site that were dismissed in May 2021 and September 2022 (Planning Inspectorate references APP/M1595/W/20/3261235 and APP/M1595/W/22/3291441 respectively). I shall have regard to this background when considering the merits of this proposal.

Main Issue

3. The main issue is the impact of the development on the character and appearance of the area.

Reasons

4. The appeal site comprises to a two-storey, end-terrace dwelling on a corner plot with a side garden facing Malpas Road. The neighbourhood is predominantly residential in nature.
 5. The 2021 appeal decision stated that the space to the side of No.5 provides a notable break to the built form at the end of the cul de sac. That development extended across most of the plot with a limited set back from the road, and in the Inspector's view this would have interrupted the street pattern. Moreover, given the slight curve to Malpas Road, it would be a prominent property creating a sense of enclosure both in views along Malpas Road and along the terrace from Ingleby Road.
 6. The 2022 decision related to a narrower scheme, and in the Inspector's opinion relatively generous spacing would have been maintained around the proposed dwelling so that overall, it would respect its context and would not appear unduly prominent.
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7. Whilst the overall scale was deemed acceptable, matters of detail concerning the position, size and design of the ground floor openings when viewed in the context of the adjoining terrace and the bland nature of the main elevation facing Malpas Road resulted in a poor design. The Inspector concluded that these elements of the proposal failed to respond appropriately to the site and locality so as to ensure high quality development.
8. The scheme before me broadly reproduces the width of the house under the 2021 appeal, such that there would be a limited set back from the highway. I am of the view that the excessive encroachment into the side garden would detrimentally reduce the existing sense of spaciousness. The proposal would create a prominent building that would appear discordant in the context of the arrangement of terraces within Malpas Road, and in views from Ingleby Road and Claudian Way. This intrusion would not be counterbalanced by the improvements made to the position and design of the windows and doors elsewhere on the dwelling.
9. I appreciate that the new property would have suitable internal and external space to provide a good quality living environment for future occupiers, and would not impact on the privacy or amenities of neighbouring properties. Furthermore the amount of garden space and car parking to be provided is acceptable and no ecological objections have been raised. However, these matters do not outweigh the harm identified above.
10. Reference has been made in the grounds of appeal to other appeal decisions in the area, still I have not been provided with the particular circumstances surrounding the determination of these cases. In any event, in my view such matters would be neutral considerations in any balance against planning harm, and each case must be assessed on its own merits.
11. Taken in the round, I am of the view that the proposal would materially harm the character and appearance of the area. It would contravene Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the Council's Residential Alterations and Extensions Supplementary Planning Document 2017, which seek to secure new development of acceptable scale and appearance. It would also be inconsistent with the advice in the National Planning Policy Framework, which states that good design is a key aspect of sustainable development.

Conclusion

12. Based on all matters put forward and the arguments outlined, the appeal fails.

C Hall

INSPECTOR