
Appeal Decision

Site visit made on 2 October 2024

by A Knight BA PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 October 2024

Appeal Ref: APP/M1595/W/23/3335647

41 Sandpiper Close, East Tilbury, Essex RM18 8FA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Alfred Gati against the decision of Thurrock Borough Council.
 - The application Ref is 22/00941/FUL.
 - The development proposed is change of use from landscape setting to residential curtilage and extension of fence and hardstanding.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form confirms that the development has started, and I was able to see this during my site visit.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

4. The appeal site (the site) includes a residential dwelling on a corner plot. The site is part of a modern housing development laid out in long, straight streets in which houses form clear and continuous building lines. Separation distances, external materials, and building heights are consistent. Various planting arrangements are used to mark front boundaries, but walls and fences are not. The resultant degree of uniformity is striking and, in many of the ways listed above, the modern development takes its lead from the adjacent East Tilbury (Bata Village) Conservation Area, resulting in a coherent character across the wider local area as well as in Sandpiper Close.
5. The flank wall of the appeal site house adheres to the main building line in Sandpiper Close, maintaining its continuity. The appeal development includes the replacement of a simple, open area of landscaping with a hard-surfaced parking area, and a timber fence enclosing an enlarged rear garden. These works have taken place beyond the main building line.
6. The fence punctures the building line in a prominent and incongruous fashion, intruding into the street and significantly disrupting its uniform character. A tall, open-sided gazebo which has been erected in the extended part of the

garden is not part of the appeal before me but is nevertheless illustrative of the effects of the change of use, in that it has brought an imposing residential structure beyond the building line, exacerbating the harmful effects of the fence.

7. The hard-surfaced parking area is neatly finished and bound by a low hedge where it meets the pavement, partially screening it from view and softening its appearance. In any event, hard-surfaces and vehicular parking in front of the building line are commonplace in the street, and I find no harm in this aspect of the development. This, and the potential benefits of greater off-street parking provision are not, however, sufficient to outweigh or mitigate the harm to the character and appearance of the area caused by the fence and the change of use.
8. I observed that a similar development has taken place at 55 Sandpiper Close. I have no evidence that it is lawful. What evidence I have regarding nearby corner plots suggests that similar developments have been refused. As such, I do not consider the small number of comparable local examples I saw to act as precedents in this case. I have no evidence that the size of the appeal site garden and levels of privacy and security therein were previously inadequate and that the appeal development has addressed a demonstrable need in these respects. I have no evidence of the previous extent of trespass, littering, and dog fouling at the appeal site, or that the appeal development is, in any event, the only viable solution to these problems. In all, these considerations do not justify the harm caused by the development, therefore.
9. Overall, and notwithstanding my findings in respect of the hard-surface, the appeal development harms the character and appearance of the area. It therefore conflicts with Policies CSTP22 and PMD2 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015, where they require high quality design that responds positively to local context. It also conflicts with the similar aspects of the Thurrock Residential Alterations and Extension Design Guide Supplementary Planning Document 2017.

Highway safety

10. Number 39 Sandpiper Close (No 39) has a parking area immediately alongside the appeal development. The visibility splays for a driver leaving that parking space have been significantly eroded by the appeal fence, such that a driver leaving that site cannot see whether pedestrians are approaching from the north on the pavement until they have driven onto it. That a hedge at No 39 may obstruct vision to the south does not justify worsening the situation with the appeal fence. The same is true of other instances in the area where a hedge may block visibility or obstruct pedestrian movement.
11. For the reasons set out above, the development has a harmful effect on highway safety. It therefore conflicts with Policies PMD2 and PMD9 of the adopted Thurrock Local Development Framework Core Strategy and Policies for the Management of Development (as amended) 2015, which require development to allow easy and safe access.

Other Matters

12. I note the appellants willingness to discuss design amendments. A planning appeal is not a means by which to initiate such discussions; my remit is to consider the merits of the appeal development.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is dismissed, therefore.

A Knight

INSPECTOR