



# Appeal Decision

Site visit made on 29 October 2024

**by A Wright BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 November 2024**

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**Appeal Ref: APP/M1595/W/24/3341750**

**1 Comfrey Court, Grays, Thurrock RM17 6TN**

- 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 Mohason Farooq against the decision of Thurrock Council.
  - The application Ref is 23/00914/FUL.
  - The development proposed is the erection of new 1no 2 bed dwelling to land adjacent to the existing property with associated landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. A draft National Planning Policy Framework was published in July 2024. The proposed changes would not materially affect the main issues in this case, so the parties were not invited to make further comments. As the feedback from the recent consultation on the draft document is currently being analysed, it carries very little weight.

## Main Issues

3. The main issues in this appeal are the effect of the proposed development on:
  - the character and appearance of the area;
  - road user safety, with particular regard to the parking and access arrangements; and
  - the living conditions of the occupiers of 1 Comfrey Court, with particular regard to outlook and light.

## Reasons

### *Character and appearance*

4. The appeal site comprises a large two storey detached house in a predominantly residential area. It has a semi-detached garage on one side and a detached garage on the other, with a rear garden running alongside Churchill Road. Whilst there is a more varied pattern of development in the wider area, the site is within the Thurrock Park estate where the detached and semi-detached houses are sited within generous plots and set back from the roads, which give it a spacious character. The site occupies a corner position, visible from the entrance to the estate.

5. The Council's Residential Alterations and Extensions SPD 2017 (SPD) states that side extensions positioned on a corner plot should pay particular attention to how it will make a positive contribution to the corner. It further requires them to respect the street context, preserving gaps between buildings where these are characteristic of the area.
6. The proposal is for a two storey dwelling over 5m wide and over 8m deep, partly attached to the side of the existing property and replacing the existing detached garage. I acknowledge that the design would be similar to the existing dwellings, its Comfrey Court façade would be set back from and significantly narrower than the front of the existing property, and a side gap would be maintained.
7. Nevertheless, due to its width, height, rearward projection and siting closer to Churchill Road than the existing house and garage, the proposal would be a bulky and disproportionate addition to the street scene. The scale and position of the proposed dwelling would harmfully erode the open and spacious character of the area, appearing cramped on the site, particularly evident in views when entering the estate southbound along Churchill Road. It would fail to accord with the guidelines for preserving gaps and positively contributing to street corners outlined in the SPD.
8. There is reference to the Council's approval of another attached dwelling which has been built nearby at 7 Churchill Road (planning application ref 21/00758/FUL). However, as that house is not in a corner location and is set back further from the adjacent roads than the original property, it is not comparable to the appeal scheme.
9. Therefore, I conclude that the proposal would harm the character and appearance of the area. This would be contrary to Policies CSTP22, CSTP23 and PMD2 of the Council's Core Strategy and Policies for Management of Development 2015 (CSPMD). Together, these require development to demonstrate high-quality design which responds to local context and to contribute positively to the character of the area, amongst other things.

#### *Road user safety*

10. The garages on either side of the existing house each have a driveway in front capable of accommodating one car. There are dropped kerbs enabling vehicles to access the parking spaces. Due to its proximity to Churchill Road, double yellow lines extend close to the driveway next to the road junction. The existing rear garden fence abuts Churchill Road.
11. The garage closest to Churchill Road would be removed and the proposed plans show the provision of two parking spaces each in front of the new house and retained garage, with the existing crossovers remaining. However, the existing driveways would not be wide enough to accommodate two vehicles each, and it is unclear how the proposed spaces would be accessed via the existing dropped kerbs.
12. The proposed parking for the new house would be very close to the junction with Churchill Road. Given the lack of clarity about how this would be provided and accessed and its proximity to the junction, I cannot be certain that the proposal would maintain sufficient visibility for drivers of vehicles exiting Comfrey Court onto Churchill Road. Further, there is insufficient information to

demonstrate that conflicts would not arise between traffic entering Comfrey Court from Churchill Road and vehicles manoeuvring in and out of the proposed parking spaces, leading to a potential risk of accidents.

13. I acknowledge that 20 Comfrey Court (No 20) has parking on front hardstanding beyond the width of its dropped kerb, but there is no information on the history of this. In any event, it is on the opposite side of the road so its impacts on visibility at the junction and conflicts of movement are not comparable to the proposed scheme.
14. Consequently, I conclude that it has not been demonstrated that the proposed parking and access arrangements would not harm road user safety. This would be contrary to Policies PMD2, PMD8 and PMD9 of the CSPMD where they require proposals to make provision for safe vehicle parking and to not prejudice road safety.

#### *Living conditions*

15. The existing house at 1 Comfrey Court (No 1) has a rear conservatory which would be removed. Its rear facing openings include ground floor lounge patio doors and an upper floor window serving bedroom 4. The proposed two storey dwelling would project around 3.8m beyond the rear of the existing building.
16. The SPD sets out guidelines for the sizes of extended buildings. For extensions, this requires a minimum 60 degree horizontal plane of separation and a minimum 45 degree vertical plane of separation from neighbouring windows to ensure that adjacent properties are not excessively enclosed or overshadowed. The parties dispute whether the proposed scheme would meet the guidelines in the SPD.
17. The lounge at No 1 has a set of three front windows as well as the rear opening. The proposed development would be sited close to the existing patio doors. However, due to the dual aspect of the adjoining lounge and the size of its existing rear opening, the proposal would not have an unduly overbearing effect or cause a harmful loss of light to the occupiers of the adjoining house when using this room.
18. The proposed dwelling would also project alongside bedroom 4 at No 1, but there would still be views over much of the rear garden from that room. Further, its south facing aspect and the absence of any other two storey rear extensions on the existing large house would ensure that an acceptable amount of light is retained to this bedroom.
19. Therefore, I conclude that the proposed development would not harm the living conditions of the occupiers of 1 Comfrey Court, with particular regard to outlook and light. This would accord with Policies PMD1 and PMD2 of the CSPMD where they require proposals to respond to the surroundings and not cause unacceptable effects on the amenity of others.

#### **Other Matters**

20. The Council did not find harm or development plan conflict in relation to several other matters, including flood risk, refuse and cycle storage, amenity space provision, and the living conditions for future occupiers and existing residents at No 20. However, even if I were to agree with the Council on these

points, the absence of harm would be a neutral matter which would not carry weight in favour of the proposal.

21. The proposed development would be likely to have a significant effect, either alone or in combination, on a European habitats site due to its location within the zone of influence for the Thames Estuary and Marshes Special Protection Area and Ramsar site. However, there is no need to consider the implications of the proposal on the protected site because the scheme is unacceptable for other reasons.

### **Conclusion**

22. For the reasons given above, the proposal would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

*A Wright*

INSPECTOR