



Appeal Decision

Site visit made on 8 July 2024

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th November 2024

Appeal Ref: APP/M1595/W/23/3335593

**Plot adjacent to 24 Broadhope Avenue, Stanford-Le-Hope, Thurrock
SS17 0SJ**

- 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 Steve Young against the decision of Thurrock Borough Council.
 - The application Ref is 23/01273/FUL.
 - The development is described as 'sub-divide the plot of 24 Broadhope Avenue into 2 to allow for the construction of a new build containing 2no. 1 bedroom flats with private parking'.
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This decision is issued in accordance with section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 14th October 2024.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form states that the appeal site is 'Plot adjacent to 24 Broadhope Avenue', whereas the decision notice refers to the site as 'Land adjacent 24 Broadhope Avenue'. I have taken the address from the application form as this is sufficiently precise. I do not consider that this has prejudiced any of the parties and I have proceeded on this basis.
3. The description of development in the heading above has been taken from the application form. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the application form.
4. The site is located within the Zone of Influence of the Essex Coastal Habitats Sites (ECHS), which is a European Designated Site afforded protection under the Conservation of Habitats and Species Regulations 2017 as amended (the Habitat Regulations). Although not forming part of the Council's reason for refusal, it is incumbent upon me as competent authority to consider whether the proposal would be likely to have a significant effect on the integrity of the European Site. It is necessary to consider this matter as a main issue.

Main Issues

5. The main issues are is the effect of the proposed development on

- the integrity of the Essex Coastal Habitats Sites; and
- the character and appearance of the area.

Reasons

Essex Coastal Habitats Sites

6. The appeal site lies within a defined Zone of Influence for ECHS, as defined in the Conservation of Habitats and Species Regulations 2017. These are recognised for their value as coastal habitats and support internationally important populations of breeding and non-breeding birds.
7. The ECHS have been identified by Natural England (NE) as being vulnerable to harm as a result of recreational disturbance. Such disturbance would be exacerbated by an increase in the local population resulting from new residential development, including through the cumulative effect of small-scale developments.
8. The appeal proposal would result in a net gain of two dwellings, with an associated increase in residents living within the Zones of Influence. This would be likely, in turn, to increase recreational pressure. It is therefore likely that the proposal, alone and in combination with other development, would adversely affect the integrity of ECHS. As such, it is necessary for me, as the competent authority, to conduct an appropriate assessment in relation to the effect of granting permission on their integrity.
9. The ECHS are covered by the Essex Coastal Recreational Disturbance Avoidance and Mitigation Strategy (RAMS). These comprise measures to enhance habitat and divert activity away from the most vulnerable locations, as well as education and communication with recreational users.
10. Arrangements are in place through the RAMS for financial contributions to be sought in connection with new residential development, to fund avoidance and mitigation measures on a strategic basis. NE has been consulted as part of this appropriate assessment and has confirmed that a financial contribution would be sufficient to avoid an adverse effect on the integrity of the ECHS and their relevant features. No mechanism, such as a Unilateral Undertaking or Section 106 Agreement, to secure the payment of the financial contribution has been submitted. Consequently, I cannot be satisfied that the proposal would not adversely affect the integrity of the ECHS, either alone or in combination with other development.
11. I conclude that the proposal would have an adverse effect upon, and therefore, harm the integrity of the ECHS in the absence of a planning obligation to secure a financial contribution to RAMS. The development would therefore conflict with the **National Planning Policy Framework** (the Framework), which states that planning permission should be refused where significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated and, as a last resort, compensated for.

Character and appearance

12. The appeal site is between a row of two-storey buildings and Broadhope Avenue. Development in the area primarily comprises rows of two-storey terraced dwellings arranged in blocks with single-storey garage blocks fronting

the road. The blocks perpendicular to the road are typically close to the footway edge and along with the development to the rear of properties on the opposite side of Broadhope Avenue, enclose the space within the area.

13. The proposal is for a two-storey detached building to provide two one-bedroom flats. The building would partially fill an undeveloped space between the dwelling at No 24 Broadhope Avenue (No 24) and the road. Given the position of the site adjacent to Broadhope Avenue, the proposal would be prominent in views from public vantage points. Nevertheless, the visual effect would be limited due to the building being set in from the road broadly in line with the terrace nearby on the opposite side of the public footpath.
14. The development would have a similar scale and form to that of the existing development, including the adjacent row of dwellings. The building would be wider than that of a typical terraced dwelling within the row of terraced dwellings perpendicular to the road, however the width is broken up by the detailing on the west elevation. Moreover, the building would be much narrower than the rows of terraced housing in the area. Furthermore, the orientation of the building would respect that of the rows of terraced buildings in the locality.
15. The proposal would include a shared amenity space to one side of the building and would be enclosed. The enclosure to this side of the site would differ from the open frontages of the neighbouring properties. However, there is an existing timber fence at the site, which has already affected the open frontages adjacent to the site. Therefore, I find that there would be no harm to the character and appearance of the area in that respect.
16. The proposed east elevation would consist of a blank façade, which would be visible within views from the road. Nonetheless, the expanse of the elevation would be partially screened by the row of single-storey garages adjacent to the site. Furthermore, there are other blank façades in the area and while these are typically gable ends, the orientation of the building and presence of the adjacent garages would reduce the visual effect of this elevation to an extent that it would not harm the street scene.
17. I conclude that the development would not harm the character and appearance of the area. The proposal would therefore accord with Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (2015), which collectively require proposals to demonstrate high quality design and contribute positively to the character of the area and ensure improved quality and strengthened sense of place. It would also accord 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.

Other Matter

18. The proposal would make a positive contribution to housing supply and delivery with associated social and economic benefits during the period of construction and once the dwellings are occupied. However, the contribution of two additional dwellings to meeting housing need in the Borough through a more efficient use of land and the associated benefits are nevertheless limited by the scale of development proposed and would not outweigh the harm identified to the integrity of the ECHS.

Conclusion

19. I have found no specific conflict with the relevant policies of the development plan drawn to my attention. However, applications for planning permission are to be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the harm to the integrity of the ECHS and conflict with the Framework I have identified is such a material consideration. It follows that it also reflects the relevant statutory requirements that justify refusal of planning permission. For the reasons given above I conclude that the appeal should be dismissed.

J Pearce

INSPECTOR