



---

# Appeal Decision

Site visit made on 21 October 2024

**by J Pearce MSc MRTPI**

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

**Decision date: 27 November 2024**

---

**Appeal Ref: APP/M1595/W/24/3341109**

**80 River View, Chadwell St Mary, Thurrock RM16 4BD**

- 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 Prestige London Homes Limited against the decision of Thurrock Borough Council.
  - The application Ref is 23/00858/FUL.
  - The development is described as a new high quality residential apartment building which provides 9no. residential apartments with dual aspect, private amenity and car parking.
- 

## Decision

1. The appeal is dismissed.

## Main Issues

2. The main issues are:
  - the effect of the proposed development on the character and appearance of the area;
  - the effect of the proposed development on the living conditions of the occupants of No 84 and No 86 River View, with regard to outlook and overshadowing;
  - whether suitable living conditions would be provided for future occupants of the development, with regards to external amenity space; and
  - the effect of the proposed development on highway safety, with regard to access and servicing.

## Reasons

### *Character and appearance*

3. The appeal site is close to the junction between Ruskin Road and River View. A single-storey former welfare centre occupied the site prior to its demolition. The two-storey dwellings to the rear of the site form an arc fronting the site and an open grass area. A further open area on the other side of Ruskin Road, gives a spacious feel to the area. Given the open spaces on either side of the site and the proximity of the site to the junction, development at the site would be prominent within the area.

4. Development in the area typically varies in scale, with primarily two-storey dwellings to one side of River View and up to three-storey opposite the site, including the parade with ground floor commercial units. Although development is predominantly well-proportioned and finished with either hipped or pitched roofs, there is limited architectural variation in the area.
5. The proposal is for a building, which would provide nine flats over three floors. The building would be of a considerable scale, extending deep within the site and across the majority of its width. The crown roof would limit the overall height of the building but would emphasise its substantial mass. The significant bulk of the building would be partly broken up by the articulation within the elevations. While the height of the building would display a transition in scale between the two-storey dwellings to the rear of the site and the three-storey parade on the opposite side of River View, the substantial mass would be discordant with the modest proportions of development in the area.
6. The proposal would have a shallow frontage close to the pavement adjacent to River View. Moreover, the building would extend across the width of the site and would limit the external space to either side. The building would appear as an imposing and dominant feature within the area and would be harmfully at odds with the form and mass of the surrounding existing development. The scale and position of the building, and its coverage of the front part of the site, would significantly reduce the spacious character of the area. The level of harm would be accentuated due to the prominent position of the site within River View.
7. The proposed boundary hedge would partially screen the lower part of the building and soften the edge of the site, including the parking area to the rear. However, the area for soft landscaping would be limited given the spread of development across the site. Consequently, the boundary planting would not provide effective screening that would soften the considerable mass of the proposal.
8. The proposed material finish would be sympathetic to the character and appearance of existing development in the area. The elevations of the building are characterised by expanses of brickwork, which further emphasises the considerable mass of the building. While the windows are generally laid out in a regular form, the varying sizes and shapes of the windows lack coherence and do not relate well with the typical uniformity of fenestration in the area.
9. My attention has been drawn to development that has been approved by the Council at No 11 River View for a two and a half storey building. The proposed building would increase the scale of development, however the proposal would be in a less prominent position and would have a considerably lesser mass than that of the appeal proposal. In any event, each proposal should be considered on its individual merits and with appropriate regard to the development plan and any material considerations.
10. I conclude that the proposal would significantly harm the character and appearance of the area. The development therefore conflicts with Policies PMD1, PMD2, CSTP22 and CSTP23 of the Core Strategy and Policies for Management of Development Focussed Review 2015 (CS), which collectively require proposals to demonstrate high quality design and contribute positively to the character of the area to ensure improved quality and strengthened

sense of place, and the National Planning Policy Framework (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.

*Living conditions – outlook and overshadowing*

11. The site is separated from No 84 and No 86 River View (Nos 84 and 86) by a footway. The occupants of Nos 84 and 86 currently have an outlook towards the high metal fence, which forms the boundary of the site. While the former building at the site has been demolished, the occupants of Nos 84 and 86 have an open outlook with very limited overshadowing from the site.
12. The building would be of a considerable scale and would extend across the site to the front of Nos 84 and 86. Although set away from the rear boundary, the substantial scale of the building would result in an overbearing form of development that would harmfully dominate the outlook of the occupants of Nos 84 and 86. The limited articulation in the elevation fronting Nos 84 and 86 and would make the building appear as a stark and unneighbourly form of development.
13. The proposed building would be positioned on lower ground than that of the neighbouring properties at Nos 84 and 86. The building would be beyond the proposed parking and area and, given the separation and change in land levels, the proposal would not lead to a significant overshadowing of Nos 84 and 86. Consequently, the development would not result in a demonstrably harmful overshadowing of Nos 84 and 86.
14. I conclude that the proposal would harm the living conditions of the occupants of Nos 84 and 86, with regard to outlook. The development therefore conflicts with Policies PMD1 and PMD2 of the CS, which collectively state that development will not be permitted where it would cause unacceptable effects on the amenity of others and requires proposals to respond to the sensitivity of the site and its surroundings, and the Framework, which seeks to create places with a high standard of amenity for all existing and future users.

*Living conditions – external amenity space*

15. The proposal would include seven two-bedroom flats and two one-bedroom flats. While the ground floor apartments would be provided with garden spaces to either side of the building, the upper floor flats would each be provided with a balcony.
16. There is no dispute that the development would not provide sufficient external amenity space in accordance with Annexe 1 of the Thurrock Borough Local Plan 1997, which sets out the Council's standards in respect of private amenity space for new dwellings. The site is close to an area of open space, located to the side of the site adjacent to River View. However, the area is not enclosed and would not provide a private space for future occupants of the proposal. Moreover, the open space is not well-equipped in respect of play equipment or seating areas. Accordingly, the area of open space does not comprise a reasonable and functional provision to offset the lack of on-site amenity space.
17. I conclude that suitable living conditions would not be provided for future occupants of the development, with regard to external amenity. The scheme therefore conflicts with Policies PMD1 and PMD2 of the CS, which collectively require proposals to provide adequate public and private amenity space and

not permit development where it would cause unacceptable effects on the amenity of future occupiers of the site. This is consistent with the Framework, which seeks to create places with a high standard of amenity for all existing and future users.

### *Highway safety*

18. The proposal would use the existing vehicular access from Ruskin Road. The site would accommodate 14 car parking spaces served by a central access area. The appellant submitted a Transport Statement with the application, which included swept path analysis for vehicles using each parking space as well as for larger delivery and servicing vehicles accessing the site. The swept path analysis plans demonstrate that there would be adequate manoeuvring space to enable vehicles to enter and exit the site in a forward gear. The Transport Statement also provides a plan demonstrating that adequate pedestrian visibility splays can be achieved for vehicles exiting the site.
19. Refuse and recycling storage facilities would be provided within the parking area at ground level beneath the building. While positioned within the site, the storage facilities are close to the site access and a collection point at the access could be secured by way of an appropriately worded condition.
20. I conclude that the proposal would not have an unacceptable effect on highway safety with regard to access and servicing. The development therefore accords with Policies PMD1 and PMD8 of the CS, which collectively state that development will not be permitted where it would cause unacceptable effects on the amenity of the area and require development to comply with the car parking standards. This is consistent with the Framework, which requires that safe and suitable access to the site can be achieved for all users.

### **Other Matter**

21. I note the reference to the Council's handling of the application, including the provision of pre-application advice. However, this is not relevant to my consideration of the planning issues of the appeal scheme.

### **Planning Balance**

22. The Council does not dispute that it is unable to demonstrate a five year supply of deliverable housing sites. The appellant suggests that the Council is only able to demonstrate a 2.5 year supply of deliverable housing sites, whilst it is also failing to deliver its housing requirement for the purposes of the Housing Delivery Test. This has not been disputed by the Council. As such, paragraph 11 d) of the Framework indicates that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. Given the serious shortfall in both the supply and delivery of housing, the benefits of the housing gain that would result from the appeal scheme must carry substantial weight.
23. The proposal would make a positive contribution to housing supply and delivery on a site which is within walking distance of local facilities and services, including bus stops. The scheme would provide limited support to local business and services and the construction industry, as well as bringing economic benefits from the New Homes Bonus. The Framework recognises

that small and medium sized sites can make an important contribution to meeting the housing requirement of an area, and are often built out quickly.

24. The appellant has drawn my attention to a scheme for six flats at the site that has been granted planning permission under application reference 23/01407/FUL. The building within the approved scheme would be considerably smaller than that of the appeal proposal before me and includes an increased amount of external space. While it is unclear whether the approved scheme would be implemented, it would be considerably less harmful, in respect of its effect on the character and appearance of the area and the living conditions of both occupants of neighbouring properties and future occupants of the development than the appeal proposal. Accordingly, this limits the weight that I can apportion to it.
25. In the particular circumstances of this case, I have concluded that the proposal would significantly harm the character and appearance of the area and would harm the living conditions of occupants of neighbouring properties. Furthermore, the proposal would not provide adequate external amenity space for future occupants of the development. Moreover, the development would conflict with the relevant policies of the development plan and the Framework to which I apportion significant weight. These adverse impacts would significantly and demonstrably outweigh the benefits to housing land supply of delivering nine new homes when assessed against the policies of the Framework as a whole.

### **Conclusion**

26. The proposal conflicts with the development plan as a whole. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. For the reasons given above the appeal should be dismissed.

*J Pearce*

INSPECTOR