



Appeal Decision

Site visit made on 19 November 2024

by Mr D Szymanski BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th November 2024

Appeal Ref: APP/M1595/W/24/3341000

72 Fobbing Road, Corringham, Thurrock SS17 9BN

- 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 Jade Semple of Antellas Development Limited against the decision of Thurrock Borough Council.
 - The application Ref is 23/00907/FUL.
 - The development proposed is Demolition of existing dwelling and construction of a single dwelling and 6 apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Part of one of the reasons the Council refused permission was due to the uncertainty in respect of the effect of the proposed development upon protected species. It has confirmed that following further ecological evidence accompanying the appeal, this element of its objection has been overcome. I have determined the appeal on this basis.

Main Issues

3. The main issues are:
 - whether or not the proposed development would provide satisfactory living conditions for the future occupiers of the proposed new house with particular reference to outlook;
 - the effect of the proposed development upon the character and appearance of the area; and,
 - the effect of the proposed development upon highway safety.

Reasons

Living conditions

4. The proposed development would be laid out in a staggered arrangement in a similar pattern as some dwellings to the west of the site. The appellant's measurements on the plans indicate the two-storey flank wall of the apartment block would project approximately 8.2m rear of the façade of the detached dwelling, quite a close distance to the boundary of the two. It would then step into the site for the remaining two storey element which would have a flat roof. Therefore, the apartment block flank would be of a two-storey

height with a significant depth of largely unbroken and unrelieved elevation, which would extend a significant depth, a limited distance from the boundary.

5. I have considered the overall remaining outlook and daylight, and that the house would not be overlooked from the south or west. However, when viewed from the closest habitable rooms and much of the rear garden of the house, the apartment block would still appear very overbearing. It would create a strong sense of ensure and result in a poor standard of overall outlook, which would not provide a satisfactory standard of living conditions for the future occupiers of the proposed new house.
6. Public outdoor space does not have the same level of privacy and functionality as a private outdoor space, so cannot be used for the same function and enjoyment. The proximity and nature of the public spaces does not outweigh or replace the poor quality of outlook that would result from this scheme. The full details of the scheme at No 31 Fobbing Road are not before me, so I cannot make a direct comparison of that residential space and the mitigation suggested by public open space. However, the evidence suggests that scheme was deficient in quantity of space for a flatted development, not the level of outlook for a house. Therefore, it is not directly comparable to the circumstances of the appeal scheme before me.
7. The appellant's measurements of the offset of neighbouring properties shows the depth is around 8.4m from the respective closest parts of the rear facades, which is consistent what I was able to discern. However, those have a first floor built into the roof space with varying dormers. So their scale appears less, there is more relief, and they do not fully reflect the outlook that would result from this proposal. The effect of the new detached house upon No 70 would also not be the same, because a significant part of that depth includes the proposed single storey garage.
8. Therefore, for the reasons set out above, the proposal would not provide satisfactory living conditions for the future occupiers of the new house, with particular reference to outlook. This would conflict with the aims of Policy PMD1 of the Thurrock Local Development Framework (2015) (the LDF) which states that development will not be permitted which would have unacceptable effects upon the amenity of future site occupiers. It would also conflict with paragraph 135f) of the National Planning Policy Framework (2023) (the Framework) which states that planning decisions should ensure developments create places with a high standard of amenity for future users.

Character and appearance

9. The buildings within the appeal site surrounds are of varying age, architectural style and forms. Most are 1.5 or 2 storey and some with second floor roof accommodation, with varying combinations of gable, cross gable or hipped roof forms, a variety of style and size of dormers, within differing size and shape of plots and with varying combinations of brickwork, render and tiles. The appeal site dwelling is larger than most with gable, hipped, mono-pitched and flat roof forms, within a verdant wide plot. Overall, it makes a neutral contribution to the character and appearance of the area.
10. Although the proposed footprint of the apartment building might be regarded as awkward, I do not regard it as any more so than the existing appeal site buildings and the visual harm from increased parking is likely to be small. It

may also be perceived as being of lesser width than the existing and the evidence suggests the proposed building has undergone some reductions from the previously refused scheme. However, it would still be much larger than the existing dwelling because it would be higher, incorporate a large volume increase and appear of a significantly larger scale and bulk.

11. In some limited aspects of its design the apartment might be regarded as an enhancement. However, the apartment building would have a high, quite dominant and stridently complex roof form. This would be significantly and harmfully at odds with, the buildings within its immediate visual context, which generally have generally retained quite simple and balanced roof forms addressing the public highway.
12. Despite some staggering, some blocked openings, and stonework banding, the flank elevations would still be largely unrelieved. The combination of these with the other larger extents of brickwork, the roof, and its overall scale, means the apartment building would be viewed as significantly larger, much bulkier, and with greater massing. It would give the appearance of an over developed site and overall, would be significantly harmful to the character and appearance of the area.
13. Suitably worded planning conditions such as those in respect of materials, boundary treatments and landscaping, could not adequately mitigate the harm. This would be prominently visible from a significant length of Fobbing Road in the appeal site vicinity, for a significant length due west, and around the junctions with Recreation Avenue and Digby Road.
14. No 31 Fobbing Road might also be regarded as quite a large bulky building. Though only around 250m west of the appeal site, it is viewed in a different and more varied visual context. In particular, it is viewed closely in the context of the sizeable flat roofed fire station building that has significant hardstanding areas, and frontage parking at the NHS hub. However, unlike the proposed apartment building, No 31 is of a lower ridge height than its immediate neighbouring buildings. Therefore, its approval does not justify allowing this appeal.
15. For the reasons set out above, the proposed development would be significantly at odds with and harmful to the character and appearance of the area. It would conflict with Policies CSTP22, CSTP23 and PMD2 of the LDF which requires that proposals must demonstrate high quality design that protects and responds positively to its local context and the positive characteristics of the local area. It would also conflict with paragraphs 135 and 139 of the Framework which state that decisions should ensure that development is sympathetic to local character including the surrounding built environment, and development that is not well designed should be refused.

Highway safety

16. Based upon the delegated report, the Council's Highways adviser expresses an objection to the proposal due to the provision of a new access with increased movements, where on-street parking results in the highway being narrowed to one lane. This appeal proposal would result in an increased number of movements on this part of Fobbing Road, most via a new access. It would result in a deficit of one space compared to its needs based upon parking

standards. On this basis it has the potential to result in a single additional vehicle parked on the highway nearby, which is a numerically small change.

17. My site visit can only represent a limited snapshot of normal conditions in the middle of the afternoon. Near the appeal site on-street parking quite well subscribed, with a limited amount of available on-street space remaining in the vicinity of the appeal site. Interested parties' written submissions imply quite high parking uptake, although there is limited further details demonstrating the exact nature and extent. However, it is possible that at evenings and weekends outside daytime working hours, there might be greater on-street parking uptake.
18. Due to the on-street parking, much of the eastbound lane was blocked, with Fobbing Road effectively being a single lane in sections around the appeal site frontage. Often the flow of eastbound vehicles had to wait to pass on the wrong side of the road around the bus stop post and where the proposed new access would egress onto Fobbing Road. Occasionally smaller vehicles would find a refuge, but the level of parking and highway conditions affected the free flow of traffic and clearly resulted in the potential for highway user conflicts. There is no parking survey or technical assessment before me to demonstrate that what I saw was untypical of normal conditions at that time.
19. If they could not park on the appeal site, it is likely that cars generated by the development's residents or visitors, would seek to park as close as they are reasonably able. Even if one more on-street space is occupied, Fobbing Road effectively becomes a single lane width for a greater length, and there is greater potential for conflict between users, with conditions more prejudicial to highway safety. Therefore, I cannot be certain the proposed development would not increase the potential for user conflict and result in conditions which would be prejudicial to highway safety.
20. Though I note the list of facilities in the area, there is little detail of the existing bus services provided, so I cannot conclude that visitors or residents are less likely to own a car, or travel to the appeal site by non-car modes. Therefore, these matters do not alleviate my concerns.
21. The plans show the visibility splay that could be achieved. However, on the highway within the splay there is a bus stop and no parking restrictions. While parking generally was on the opposite side of the road there is no achievable means or mechanism set out before me that could always ensure this is the case. The Council's suggested condition in respect of the splay appears to only relate to the access on the site, and it is unclear how it would secure a clear splay within the public highway. It is also not explained how the pre-commencement condition to agree the access would address the fundamental concerns. Overall, it has not been demonstrated conditions that are reasonable and achievable, and could mitigate the harmful effects.
22. The appellant suggests the Council accepted similar parking provision at No 31 to what is proposed with this appeal scheme. The Council has not explained why it was deemed appropriate at that time, and the evidence that lead to that decision at No 31 is not before me. However, based what I saw, in-light of the very limited substantive evidence before me, the highway conditions around No 31, do not justify allowing this appeal scheme that is before me.

23. For the reasons set out above, I cannot be certain the proposed development would not result in conditions that are prejudicial to highway safety. This would conflict with the aims of Policies PMD2, PMD8 and PMD9 of the LDF. These seek to ensure that development allows for easy and safe access, provides adequate parking, reduces the risk of inappropriate parking, and a new access is only permitted where the development makes a positive contribution to road safety. It would also conflict with the aims of paragraphs 114 and 115 of the Framework which state that it should be ensured that safe and suitable access can be achieved for all users and development should be prevented if there would be an unacceptable highway safety impact.

Other Matters

24. One of the Council's reasons for refusal relates to a failure to address the impact of the development on Habitats sites. The appellant has provided a completed and signed Section 106 Unilateral Undertaking (UU) to secure a contribution towards mitigation measures. However, in-light of my findings on the main issues above, and because the scheme is not proposing overall benefits in this regard, it is not necessary to look at this matter in detail. For similar reasons, I have not considered Natural England's comments about impact pathways for the Vange and Fobbing Marshes SSSI.
25. Concern was previously expressed by the Council in respect of the potential for disturbance to badgers and bats. The appellant's professional ecological adviser has confirmed that following inspection and subject to the imposition of suitably worded planning conditions, no further surveys are necessary for protected and priority species.

Planning Balance

26. Evidence suggests the Council can only demonstrate an approximately 0.91-year Housing Land Supply and it has delivered under half of its required housing measured by the Housing Delivery Test. The appellant also advises there have been only 17 completions in the year 2022 – 2023. The most important policies for determining the proposal are considered out of date. On the assumption the effects to Habitats sites are addressed, Framework paragraph 11d) states that permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits of the development, when assessed against the policies in the Framework taken as a whole.
27. There would be a moderate temporary economic benefit during construction, and once constructed a moderate on-going benefit to the local economy, and support to local services and facilities. The provision of a net six new dwellings of sizes compliant with policies in respect of dwelling mix and that might be regarded as more affordable, would help to meet the objective of significantly boosting the supply of homes. Though the contribution of six further dwellings would be small, in-light of the chronic shortage in supply, the additional new dwellings attract significant weight in favour of the scheme.
28. It would appear the proposed development could provide for a Biodiversity Net Gain of around 10%. Noting the existing value of the habitats present, a benefit of this order would attract limited weight in favour of the appeal scheme. It is possible there might be improved site drainage secured by the condition in respect of such infrastructure. However, there is nothing of

substance to suggest this would be anything other than a minor benefit. Compliance with policies in respect of matters such as the location of development, the accessibility of services and facilities, cycle and EV parking, Habitats sites and arboricultural matters, are neutral matters in the balance.

29. The policy compliance and benefits of the development, overall, attract significant weight in favour of the appeal scheme. However, the proposed development would appear very overbearing and result in a poor level of outlook for the occupiers of the new house. It would be significantly at odds with and harmful to the character and appearance of the area, and I cannot be certain the proposed development would not result in conditions which would be prejudicial to highway safety.
30. Overall, the policy conflicts and resulting harmful effects would be such that the adverse impacts, significantly and demonstrably outweigh the benefits of the development when assessed against the policies of the Framework taken as a whole. Therefore, the appeal should not succeed.

Conclusion

31. The proposed development is contrary to the development plan read as a whole, and the Framework taken as a whole. There are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Mr D Szymanski

INSPECTOR