



Appeal Decision

Site visit made on 5 August 2025

by V Goldberg BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd September 2025

Appeal Ref: APP/M1595/W/25/3360417

6 May Court, Grays, Thurrock RM17 6UB

- 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 Gytis Bulykinas against the decision of Thurrock Borough Council.
 - The application Ref is 24/01184/FUL.
 - The development proposed is erection of new dwelling.
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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; and,
 - whether the proposed development would be at risk of flooding.

Reasons

Character and Appearance

3. The appeal site comprises a semi-detached, two storey dwelling situated at the end of May Close, a cul de sac within a residential estate. Built form locally is defined by short terraces, and semi-detached properties, grouped by a common design approach with uniform building lines and spacing between terraces, semi-detached pairs and boundaries providing a spacious feeling.
4. The proposed dwelling would be attached to 6 May Court and would extend up to the boundary. This would result in the proposal extending beyond the flank building line of the semi-detached pair it adjoins and the opposite terrace. The erosion of this gap would fail to respect the existing spacious layout of May Court and would result in the dwelling appearing squeezed in at the end. Accordingly, despite making efficient use of the land, providing acceptable outdoor amenity space and parking, the proposal would fail to positively contribute to the character and appearance of the area.
5. Whilst the proposed dwelling incorporates a hipped roof to match 7 May Court, the rear projection, would not be in keeping with the adjoining properties despite following other examples in the locality. Although the rear of the proposed dwelling would not be visible from the public realm, it would be notable from the rear

gardens of the proposed dwelling and adjoining property. From these points the roof form would appear incongruous.

6. For the reasons above, the proposed development would have an unacceptable effect on the character and appearance of the area. It would therefore be contrary to Policies CSTP22, CSTP23 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 (Local Plan). These policies seek high quality design whereby proposals are required to positively contribute to the character of the area.

Flooding

7. The appeal site is located within Flood Zone 3 and therefore has a high probability of flooding. The proposal is for a new dwelling which is defined in the Planning Practice Guidance: Flood Risk and Coastal Change (PPG) as 'more vulnerable' and must therefore pass the sequential and exception tests and be supported by a site specific Flood Risk Assessment (FRA).
8. The parties agree that the proposal passes the sequential test but compliance with the second limb of the exception test is contested. Specifically, it is disputed that the development would be safe for its lifetime, taking into account the vulnerability of its users without increasing flood risk elsewhere.
9. The FRA and Sustainable Urban Drainage Systems report prepared by Simple Build, concludes that the proposal would be safe, in terms of flood risk, for its design life and would not increase flood risk elsewhere. Whilst the Environment Agency (EA) have not objected to the proposal, this is based on the Council considering flood risk considerations beyond the remit of the EA. To assist the Council, the EA provided guidance within its consultee response, that highlight matters in the FRA, relevant to whether the development would be safe for its lifetime.
10. Whilst the site benefits from flood defences which would protect the dwelling in the present day 0.5% (1 in 200) annual probability event, the ability of these defences to offer protection over the lifetime of the development is dependent on future funding, required to raise them. Given that funding is not guaranteed, there is uncertainty over their future effectiveness. This in combination with the FRA failing to address the risk of a breach of the defences, casts doubt as to whether the development would be safe for its lifetime.
11. Reference is made to mitigation measures including finished floor levels being set at 300mm above the 1 in 200 year flood level, flood resilience measures, Sustainable Urban Drainage Systems (SUDS), safe refuge at first floor and a Flood Warning and Evacuation Plan (FWEP). However, the proposed finished floor level is below the 0.5% annual probability breach flood level including climate change, therefore the property is at risk of flooding by up to 1m in depth. In addition, given that refuge is a fallback position, the building would need to be designed to be structurally resilient to withstand hydrostatic and hydrodynamic pressures associated with flood water as required by the PPG. This has not been sufficiently demonstrated in the appeal.
12. With reference to the proposed FWEP, whilst the report sets out that the site has adequate provisions for safe access and egress in the event of a flood, this has

not been sufficiently demonstrated. In addition, it has not been demonstrated that the proposed SUDs would effectively manage surface water runoff.

13. For the above reasons, it has not been sufficiently demonstrated that the exception test has been met and that the development would be safe for its lifetime, taking into account the vulnerability of its users without increasing flood risk elsewhere. It would therefore be contrary to Policies CSTP25, CSTP27 and PMD15 of the Local Plan, which collectively seek to manage and reduce flood risk. The proposal would also be contrary to Chapter 14 of the National Planning Policy Framework (The Framework).

Other Matters

14. Reference is made to three approved planning applications that proposed the erection of a dwelling house. I do not know the planning circumstances nor precise locations of the examples given, nor is it clear if these sites are in Flood Zone 3. As such, it has not been demonstrated that these examples are wholly comparable to the development before me and therefore they do not justify a planning permission.
15. The site is located within the Thames Estuary and Marshes SPA and RAMSAR zone of influence. Regulation 63(1) of the Conservation of Habitats and Species Regulations 2017 indicates that the requirement for an Appropriate Assessment is only necessary where the competent authority is minded to give consent for the proposed development. Therefore, given my overall conclusion on the main issues, it is not necessary for me to consider this matter in any further detail.

Planning Balance and Conclusion

16. The absence of a five-year supply of deliverable housing sites engages paragraph 11 d) of the Framework. This indicates that where the requisite land supply cannot be demonstrated, permission should be granted unless i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or ii. 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.
17. Footnote 7 of the Framework confirms that the policies referred to under the first limb include areas at risk of flooding. Given my findings on the second main issue, the proposal would not qualify as sustainable development and the tilted balance in the second limb of Framework paragraph 11 d) would not apply. The conflict with Policies CSTP22, CSTP23, CSTP25, CSTP27, PMD2 and PMD15 carry significant weight, and this brings the scheme into conflict with the development plan taken as a whole. The social and economic benefits of delivering a small dwelling does not justify a decision otherwise than in accordance with the development plan.
18. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

V Goldberg

INSPECTOR