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| Reference: 20/01318/FUL | Site: 32 Lancaster Road Chafford Hundred Grays Essex RM16 6BB |
| Ward: South Chafford | Proposal: Demolition of existing double garage, subdivision of existing plot and the construction of a new detached dwelling, including off-street parking, private garden amenity space and associated development. |

| Plan Number(s): | | |
|------------------------|----------------------|------------------|
| Reference | Name | Received |
| 19-017-200-07 | Proposed Site Layout | 2nd October 2020 |
| 19-017-201-05 | Proposed Plans | 2nd October 2020 |
| 19-017-202-05 | Sections | 2nd October 2020 |
| 19-017-203-05 | Site Layout | 2nd October 2020 |
| 24010EA-01 | Location Plan | 2nd October 2020 |

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| The application is also accompanied by: <ul style="list-style-type: none"> - Design and Access Statement - Planning Statement | |
| Applicant: Havering Building & Landscapes Ltd | Validated: 6 October 2020 Date of expiry: 1 March 2021 Extension of Time as agreed by applicant |
| Recommendation: Refusal | |

This application is scheduled for determination by the Council's Planning Committee because the application was called in by Cllr M. Fletcher, Cllr J. Pothecary, Cllr. M. Kerin, Cllr S. Shinnick and Cllr G. Rice in accordance with Part 3 (b) 2.1 (d)(ii) of the Council's constitution to consider the proposal against the character of the area.

1.0 DESCRIPTION OF PROPOSAL

- 1.1 The application seeks permission for the subdivision of an existing plot, demolition of the existing double garage and construction of a new 2-bedroom dwelling, including private amenity space and off-street parking. The dwelling would be two storey with a pitched roof and of a traditional design.
- 1.2 The application is a revised scheme following the refusal of previous applications:
- 19/00783/FUL in September 2019
 - 20/00251/FUL in August 2020

2.0 SITE DESCRIPTION

- 2.1 The application site is a largely triangular shaped plot on the north-western side of Lancaster Road and is bordered to the west by a wooded area subject to a Tree Preservation Order (11/2000).
- 2.2 The site comprises a detached 4-bedroom property and a detached double garage. The land is within a residentially allocated area in the Core Strategy.

3.0 RELEVANT HISTORY

| Application Reference | Description of Proposal | Decision |
|-----------------------|--|---------------------------------|
| 20/00251/FUL | Demolition of existing double garage, and subdivide existing plot to construct new dwelling, including associated development and off-street parking | Refused and dismissed on appeal |
| 19/00783/FUL | Demolition of existing double garage, and subdivide existing plot to construct new dwelling, including associated development and off-street parking | Refused |
| 19/01001/HHA | Two storey side extension. | Approved |
| 00/00443/FUL | 82 no. dwellings, parking and roads | Approved |

4.0 CONSULTATIONS AND REPRESENTATIONS

- 4.1 Detailed below is a summary of the consultation responses received. The full version of each consultation response can be viewed on the Council's website via public access at the following link: www.thurrock.gov.uk/planning

PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters and public site notice which has been displayed nearby. No comments have been received.

4.3 ENVIRONMENTAL HEALTH:

No objection subject to conditions.

4.4 EMERGENCY PLANNING:

No objections.

4.5 HIGHWAYS

No objection subject to conditions.

4.6 LANDSCAPE AND ECOLOGY

No objection subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

5.1 National Planning Policy Framework (NPPF)

The NPPF was published on 27 March 2012 and amended on 19 February 2019. Paragraph 10 of the Framework sets out a presumption in favour of sustainable development. Paragraph 2 of the Framework confirms the tests in s.38 (6) of the Planning and Compulsory Purchase Act 2004 and s.70 of the Town and Country Planning Act 1990 and that the Framework is a material consideration in planning decisions. Paragraph 11 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

The following headings and content of the NPPF are relevant to the consideration of the current proposals:

- 5. Delivering a sufficient supply of homes
- 11. Making effective use of land
- 12. Achieving well-designed places
- 15. Conserving the enhancing the natural environment

5.2 Planning Practice Guidance

In March 2014 the Department for Communities and Local Government (DCLG) launched its planning practice guidance web-based resource. This was accompanied by a Written Ministerial Statement which includes a list of the previous planning policy guidance documents cancelled when the NPPF was launched. PPG contains a number of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design
- Determining a planning application
- Housing supply and delivery
- Tree Preservation Orders and trees in conservation areas

Local Planning Policy

5.3 Thurrock Local Development Framework (as amended) 2015

The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in (as amended) in January 2015. The following Core Strategy policies apply to the proposals:

Spatial Policies:

- CSSP1 (Sustainable Housing and Locations);

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)
- PMD2 (Design and Layout)
- PMD8 (Parking Standards)
- PMD9 (Road Network Hierarchy)

Thurrock Local Plan

- 5.4 In February 2014 the Council embarked on the preparation of a new Local Plan for the Borough. Between February and April 2016 the Council consulted formally on an 'Issues and Options (Stage 1)' document and simultaneously undertook a 'Call for Sites' exercise. In December 2018 the Council began consultation on an 'Issues and Options (Stage 2 Spatial Options and Sites)' document, this consultation has now closed and the responses have been considered and reported to Council. On 23 October 2019 the Council agreed the publication of the Issues and Options 2 Report of Consultation on the Council's website and agreed the approach to preparing the Local Plan.

Thurrock Design Strategy

- 5.5 In March 2017 the Council launched the Thurrock Design Strategy. The Design Strategy sets out the main design principles to be used by applicants for all new development in Thurrock. The Design Strategy is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

6.0 ASSESSMENT

BACKGROUND

- 6.1 In February 2020 an application (20/00251/FUL) was submitted, seeking planning permission for the demolition of the existing double garage and subdivision of the existing plot to construct new 2-bedroom dwelling. The application was refused for the following reason:

- 1 The proposed new dwelling by reason of its siting, forward projection and scale would lead to cramped form of development within close proximity to the highway and would have an over-dominant and overbearing impact upon the street scene significantly forward of existing dwellings on this side of the road. As such the proposal would be out of character with the appearance of the streetscene. Furthermore, the proposal would result in a poor layout of private amenity space for the proposed dwelling, detrimental to the living conditions of future occupiers. For these reasons the proposal is considered to constitute overdevelopment and is therefore contrary to policies PMD1, PMD2, CSTP22, and CSTP23 of the adopted Thurrock Core Strategy and Policies for Development DPD (as amended) 2015 and the National Planning Policy Framework 2019.*

- 6.2 The current application has been submitted in an attempt to overcome the previous reason for refusal by relocating the proposed dwellinghouse further towards the rear of the application site.

- 6.3 Members will probably recall reading the Appeal Summaries on 11th February 2021 Planning Committee Agenda. These summaries included the summary of the appeal against the refusal of the above application. The appeal was dismissed. For clarity the summary is reproduced below:

The Inspector considered the main issues to be the effect of the proposal on the character and appearance of the area and the living conditions of future occupiers with particular regard to private amenity space.

The Inspector found that the scale and positioning of the dwelling within the proposed plot left very little space about the building and that the scale and siting of the proposal in relation to the plot size and its positioning close to its rear boundary would lead to the development having a somewhat cramped and discordant appearance.

The Inspector considered the location of the majority of the garden space to the side of the dwelling would further emphasise the limited depth of the plot and the cramped appearance of the proposed dwelling and that the siting of the dwelling in such a tight plot would appear at odds with the prevailing more open form of development within the vicinity, and thus would cause harm to the character and appearance of the area, which would be clearly visible from users of the footpath and from Lancaster Road.

In addition the private amenity space was found to lack sufficient depth to provide an adequate and attractive area for future occupants to utilise as a private garden area.

The quality of the amenity space would be further reduced through the land rising towards the footpath at the rear, the presence of mature trees within the site and its use for the storage of refuse bins. This led the Inspector to conclude that the private amenity space would be a rather enclosed area that would be neither an adequate nor attractive space for future occupiers of the proposed dwelling.

Thus the Inspector found the development would result in harm to the character and appearance of the area and the living conditions of future occupiers. It would be in conflict with the Core Strategy and the NPPF which seek, amongst other things, to ensure that developments contribute positively to the character of an area and provide a high standard of amenity for future users.

Although the proposal would boost housing supply, it would only be by one unit and the harm to the character and appearance of the area and the living

conditions of possible occupiers was serious and outweighs the benefits of the scheme when assessed against the policies in the NPPF taken as a whole. As such the presumption in favour of sustainable development as envisaged by the NPPF does not apply in this case.

For the reasons given above, and having regard to the development plan when read as a whole, the appeal was dismissed.

- 6.4 In comparison with the previous scheme the dwelling is proposed to be 0.67m further to the rear of the site.

The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Traffic Impact, Access and Car Parking
- IV. Impacts upon Amenity
- V. Impact upon Ecology and Biodiversity

I. PRINCIPLE OF THE DEVELOPMENT

- 6.5 The site is located within a residential area and currently forms part of the residential curtilage of the existing property. There are no objections in principle to accommodating a dwelling on the site, subject to the development being in compliance with all relevant development management policies.

II. DESIGN AND LAYOUT

- 6.6 The National Planning Policy Framework (NPPF) emphasises that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.
- 6.7 Policy CSTP22 of the Core Strategy 2015 highlights the importance of good design and indicates that development proposals must demonstrate high quality design founded on an understanding of, and response to the local context.
- 6.8 Policy PMD2 of the Core Strategy 2015 requires that all design proposals should

respond to the sensitivity of the site and its surroundings and must contribute positively to the character of the area in which it is proposed and should seek to contribute positively to local views, townscape, heritage assets and natural features and contribute to the creation of a positive sense of place.

- 6.9 The existing, single-storey garage is located further forwards towards the highway than the residential properties within the streetscene but this is seen as a subservient building to the property and is well screened by existing trees and vegetation.
- 6.10 The proposal would see the existing garage demolished and replaced with a two storey detached dwelling. The proposed dwelling has been relocated closer towards the rear boundary of the application site than in previous schemes, however it would still be located very close to the pavement, in comparison with the other dwellings on this side of Lancaster Road, which would be uncharacteristic. This clearly does not overcome the harm identified by the Inspector.
- 6.11 The location of the dwelling would be at a point where the plot tapers considerably, meaning the dwelling would appear cramped on an uncharacteristically small plot, a matter that was considered relevant by the Inspector when he dismissed the appeal. The changes to the location of the dwelling compared to the previous scheme are very minor in nature and the proposed dwelling by reason of its siting and scale would lead to cramped form of development within close proximity to the highway which would have an over-dominant and overbearing impact upon the street scene significantly forward of existing dwellings on this side of the road. As such the proposal would be out of character with the appearance of the streetscene.
- 6.12 Due to the irregular shape of the site, the proposed dwelling would have the majority of its private amenity space to its flank, on a non-private side of the dwelling. Members will note that the Inspector found this to be a reason for dismissing the appeal. Where the space would be provided to the rear, it would be on average 2.5m deep. This layout would again be uncharacteristic within the wider area, appearing cramped, overdeveloped and out of keeping with the prevailing character of the area. Owing to the limited depth of the garden it is considered the proposal and would fail to ensure a suitable outdoor living environment for occupiers of the dwelling, a matter identified as harmful by the planning Inspector.
- 6.13 The revisions to the scheme are very minor in nature, do not overcome the harm identified by officers in the previously refusal nor the comments made by the Inspector in dismissing the subsequent appeal. In light of the above, the proposal is contrary to policies CSTP22 and PMD2 of the adopted Core Strategy and the NPPF.

III. TRAFFIC IMPACT, ACCESS AND CAR PARKING

- 6.14 The current vehicle access would be used for accessing both the existing property and the proposed dwelling. The plans show sufficient off street parking provision for both the existing properties and the access arrangements are also acceptable, from a technical highway perspective.
- 6.15 The Council's Highways Officer has raised no objection to the proposal, but has recommended conditions, if permission were to be granted, requiring the parking area to be completed and sight splays provided prior to occupation. Therefore in respect of highways matters the proposal complies with policies PMD2, PMD8 and PMD9 of the Core Strategy.

IV. IMPACTS UPON AMENITY

- 6.16 The proposed dwelling would be sited a suitable distance from the nearest residential neighbour located on the opposite side of Lancaster Road such that there would not be a significant loss of light, overbearing impact or loss of privacy to neighbours.

V. IMPACTS UPON ECOLOGY AND BIODIVERSITY

- 6.17 The trees to the rear of the application site are covered by a Tree Preservation Order 11/2000. As such, the previous application (19/00783/FUL) was supported by an arboricultural method statement to which the Council's Landscape and Ecology consultant raised no objection, provided the approved method statement was adhered to and necessary root protection measures were secured through planning condition.
- 6.18 No such method statement has been provided to support the current application, however as recommended by the Council's Landscape and Ecology consultant, were permission to be granted an Arboricultural Method Statement and Landscape Scheme would need to be approved in writing by the Local Authority

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 The changes to the proposal since the previous refusal are very minor and do not address the reasons for refusal, neither do they address the comments made by the Planning Inspector in dismissing the appeal.
- 7.2 The proposed dwelling would appear cramped on an uncharacteristically small plot, resulting in an over-dominant and overbearing impact upon the streetscene
- 7.3 The proposed rear garden would be very shallow, appearing cramped and

overdeveloped within the surrounding area and the proposal would result in an unsuitable habitable environment for future occupiers.

- 7.4 The proposal is contrary to Policies PMD2 and CSTP22 of the Core Strategy and the National Planning Policy Framework 2019.

8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason(s):

- 1 The proposed new dwelling by reason of its siting, forward projection and scale would lead to a cramped form of development within close proximity to the highway and would have an over-dominant and overbearing impact upon the street scene significantly forward of existing dwellings on this side of the road. As such the proposal would be out of character with the appearance of the streetscene.

Furthermore, the proposal would result in a poor layout of private amenity space for the proposed dwelling, detrimental to the living conditions of future occupiers.

For these reasons the proposal constitutes overdevelopment and is contrary to Policies PMD2 and CSTP22 of the Thurrock Core Strategy 2015 and the National Planning Policy Framework 2019.

Documents:

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online:

www.thurrock.gov.uk/planning

