

<b>Reference:</b> 21/01557/HHA	<b>Site:</b> Falconhurst Second Avenue Stanford Le Hope SS17 8DP
<b>Ward:</b> The Homesteads	<b>Proposal:</b> Boundary wall alterations (Part retrospective)

<b>Plan Number(s):</b>		
Reference	Name	Received
(No Nos.)	Location Plan	7th September 2021
(No Nos.)	Site Layout	7th September 2021
SS178DPF1	Site Layout	7th September 2021
SS178DPF2	Elevations	7th September 2021
SS178DPF3	Elevations	7th September 2021
SS178DPF4	Elevations	7th September 2021

The application is also accompanied by:	
N/A	
<b>Applicant:</b> Mr Mokolade	<b>Validated:</b> 7 September 2021 <b>Date of expiry:</b> 2 November 2021 (Extension of time agreed with applicant 6 December 2021)
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs Kelly, Halden, Collins, Duffin, Huelin, Carter and Byrne (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (ii)) to assess the impact of the proposal on the character and appearance of the area and to highway safety.

## 1.0 DESCRIPTION OF PROPOSAL

1.1 This application has been submitted following an enforcement complaint and investigation.

- 1.2 Planning permission is sought for a perimeter wall and part railing to the frontage with Second Avenue, and partially around the corner onto Southend Road and a brick & rendered wall to the rear of the property and part of the elevation onto Southend Road. The new walls would be built on the boundaries of the property.
- 1.3 The development of the wall has already partially been carried out and the application is in part retrospective. It should be noted that a brick and breeze block wall has been erected on the majority of the frontage of the property to Second Avenue, whereas the plans show that a wall with railings is proposed on this frontage.
- 1.4 The proposed plans show the front wall would have 9 pillars with a height of 2.1m, together with a wall height of 1m with metal railings in-between the pillars with an overall height of 1.9m. The proposed plans show the wall follows the boundary to the side of the dwelling with 12 brick pillars at a height of 2.1m; 9 of these will have a rendered insert of 1.9m in height and the three pillars forward of the front flank wall of the dwelling will have a wall height of a 1m with railings above, with an overall railing height of 1.9m. The rear wall of the site will have 10 pillars with a height of 2.1 metres with a wall height of 1.9 metres.

**2.0 SITE DESCRIPTION**

- 2.1 The application site contains a detached dwelling with an integral garage. It forms a corner plot and the southern flank wall is level with the front of the adjacent bungalow at 191 Southend Road. The site is within The Homesteads which is a designated Residential Precinct.
- 2.2 The plot is spacious with a generous front garden which wraps around the southern flank wall. The immediate locality is residential in character; the properties to the south, east and along the western boundary do not have a consistent architectural character. However, the 3 properties to the north along with the application site all have a uniform character and appear to have been erected as part of a development in the 1970's for the demolition of a former bungalow and the erection of four detached houses with integral garages.
- 2.3 The area consists of low front boundary walls along this section of Second Avenue and Southend Road.

**3.0 RELEVANT PLANNING HISTORY**

Application Reference	Description of Proposal	Decision
21/01349/HHA	Two storey side extension	Approved

21/01270/CLOPUD	Single storey rear extension	Deemed lawful and under construction.
20/00669/FUL	Demolition of existing dwelling and erect 2no new dwellings	Refused

#### 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](http://www.thurrock.gov.uk/planning)

#### 4.2 PUBLICITY:

This application has been advertised by way of individual neighbour notification letters, the Council's online register and a public site notice which has been displayed nearby. Comments have been received from two addresses both raising objections and concerns regarding the proposal. Comments raised were as follows:

- Wall too high and causes visual problems;
- Wall not built in accordance with plans;
- Wall has already been constructed;
- Detrimental to highway safety.

#### 4.3 HIGHWAYS

Highway engineers have raised no objection but require suitable sight splays to be provided.

#### 5.0 POLICY CONTEXT

##### National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 19<sup>th</sup> February 2019 and again in July 2021. The NPPF sets out the Government's planning policies. Paragraph 2 of the NPPF 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. The following chapter headings and content of the NPPF are particularly relevant to the consideration of the current proposals:

- 4 Decision making
- 8. Promoting healthy and safe communities;
- 12. Achieving well-designed places;

## 5.2 National Planning Practice Guidance (NPPG)

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
- Enforcement and post-permission matters
- Use of planning conditions

## 5.3 Local Planning Policy: Thurrock Local Development Framework (2015)

The “Core Strategy and Policies for Management of Development” was adopted by Council on the 28th February 2015. The following policies apply to the proposals:

### THEMATIC POLICIES

- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)

### POLICIES FOR MANAGEMENT OF DEVELOPMENT

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

## 5.4 Thurrock Local Plan

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 a new Local Plan.

## 5.5 Thurrock Residential Alterations and Extensions Design Guide (RAE)

In September 2017 the Council launched the RAE Design Guide which provides advice and guidance for applicants who are proposing residential alterations and extensions. The Design Guide is a supplementary planning document (SPD) which supports policies in the adopted Core Strategy.

## 6.0 ASSESSMENT

6.1 The assessment below covers the following areas:

- I. Principle of the development
- II. Design, Appearance and Impact upon Character of the Area
- III. Access, Traffic Impact and Car Parking
- IV. Neighbouring Amenity Impacts
- V. Enforcement

### I. PRINCIPLE OF THE DEVELOPMENT

6.2 The site is located within a residential area and the principal of development is acceptable, subject to compliance with development management policies

### II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

6.3 The National Planning Policy Framework (NPPF) states that the Government attaches great importance to design to the creation of high quality, beautiful and sustainable buildings

6.4 Policy PMD1 (Minimising Pollution and Impacts on Amenity) states that "Development will not be permitted where it would cause unacceptable effects on (i) the amenities of the area; (ii) the amenity of neighbouring occupants; or (iii) the amenity of future occupiers of the site".

6.5 Policy PMD2 (Design and Layout) of the Core Strategy 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.

6.6 Policy CSTP22 (Thurrock Design) of the Core Strategy states that the Council requires all design proposals to respond to the sensitivity of the site and its surroundings, to fully investigate the magnitude of change that would result from

the proposals, and mitigate against negative impacts. Amongst other criteria, this policy states that development must contribute positively to the character of the area in which it is proposed and to surrounding areas that may be affected by it. Development should seek to contribute positively to local views, townscapes, heritage assets and natural features and contribute to the creation of a positive sense of place.

6.7 The Residential Alterations & Extensions SPD (RAE) September 2017 states that:

*5.7.1 Alterations to boundary structures and gardens at the front of a property (including the introduction of a parking space) should respect and enhance the character of the street and disturb the least original walls, fences, railings, hedges and trees.*

- 6.8 The pre-existing low brick built wall (1m in height) has been removed and replaced with a much higher brick built wall on the front boundary of the site. The existing boundary fencing, separating the front garden from the rear garden, has also been removed.
- 6.9 The development has resulted in a boundary wall measuring almost 1.9m high with an overall length of 17.9m on the front boundary, 24.3m on the side boundary and 21m to the rear boundary.
- 6.10 Notwithstanding the detail on the submitted plans, the wall has been partially constructed. A site visit confirms the wall to the frontage on Second Avenue has not been constructed in accordance with the plans that have been submitted, in that the wall does not include iron railings to the front the boundary wall.
- 6.11 The area is characterised by boundary treatment which mainly consists of low brick walls. The application site is located on a corner location with Southend Road and Second Avenue. The front boundaries of dwellings in the locality are therefore of open and visible frontages and not solid, closed boundaries of a height close to 1.9 metres.
- 6.12 Whilst it is accepted that the site owner would want some form of boundary treatment at the property, matters such as privacy and amenity, particularly for front gardens, can be achieved with soft landscaping. The open aspect of this corner and the surrounding street scene has been lost via the walls that have been erected and would also be lost by virtue of the walls and railings that are proposed.
- 6.13 The solid brick wall that has been built, together with the walls and railings that are proposed to be built, would appear overly dominant and incongruous in the street scene and have a significant adverse impact upon the character of the area. The

development therefore results in significant harm to the street scene and the character of the area contrary to policies CSTP22 and PMD2 of the Core Strategy, criteria in the RAE and guidance within the NPPF.

### III. ACCESS, TRAFFIC IMPACT AND CAR PARKING

- 6.14 The Council's highway team has been consulted on the proposals. They have not objected in principle but have sought more detail in relation to the site splays where the wall at the vehicular access to the site would meet the back of the pavement. No further information has been received at the time of drafting this report, however if permission were to be granted a condition could be applied to ensure adequate site splays are provided. Accordingly there are no objections on highways or access matters.

### IV. EFFECT ON NEIGHBOURING PROPERTIES

- 6.15 Where the wall replaces an existing boundary treatment on the shared boundary with the neighbour to the rear the wall would be of a size that would be expected on side/rear boundaries. On this basis it is considered that the impact upon amenity is limited and does not unacceptably effect neighbours. The development does not conflict with policy PMD1 as a result.

### V. ENFORCEMENT

- 6.16 As the development has already taken place, and the application that has been submitted following enforcement investigations is recommended for refusal, it follows that if this application is refused, enforcement action (in the form of an Enforcement Notice) would be taken immediately.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 Where it is forward of the main front wall of the dwelling the solid brick wall as built, and the wall and railings as proposed, appears overly dominant and incongruous in the street scene and has a significant adverse impact upon the character of the area. The development therefore results in significant harm to the street scene and the character of the area contrary to policies CSTP22 and PMD2 of the Core Strategy, criteria in the RAE and guidance within the NPPF.

## 8.0 RECOMMENDATION

- 8.1 Refuse planning permission for the following reason:

- 1 Where it lies forward of the main front wall of the dwelling the wall as built, and proposed, by reason of its siting, appearance, scale and design results in an overly dominant and incongruous feature in the street scene which results in significant

harm to the appearance of the street scene, character of the area and local vernacular contrary to Policies CSTP22 and PMD2 of the Core Strategy 2015, criteria in the RAE and guidance within the National Planning Policy Framework 2021.

### Positive and Proactive Statement

Town and Country Planning (Development Management Procedure) (England) Order 2015 (as amended) - Positive and Proactive Statement:

The Local Planning Authority has acted positively and proactively in determining this application by assessing the proposal against all material considerations, including planning policies and any representations that may have been received and subsequently determining to grant planning permission in accordance with the presumption in favour of sustainable development, as set out within the National Planning Policy Framework.

### **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](http://www.thurrock.gov.uk/planning)

