

<p><b>Reference:</b> 22/00098/HHA</p>	<p><b>Site:</b> 33 Cherry Walk Chadwell St Mary Grays Essex RM16 4UN</p>
<p><b>Ward:</b> Chadwell St Mary</p>	<p><b>Proposal:</b> (Retrospective) Extension to existing outbuilding and roof and fenestration alterations to the outbuilding which is to be used for ancillary purposes associated with the main dwelling.</p>

Plan Number(s):		
Reference	Name	Received
3301	Location Plan	25th January 2022
3302	Existing Plans	25th January 2022
3303	Pre-Existing Plans	23 February 2022

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> <li>- Email dated the 18.02.2022 confirming the use of the outbuilding for utility and storage purposes</li> </ul>	
<p><b>Applicant:</b> Mr Abdul Quddoos</p>	<p><b>Validated:</b> 26 January 2022 <b>Date of expiry:</b> 23 March 2022</p>
<p><b>Recommendation:</b> Approve</p>	

This application has been Called In for determination by the Council’s Planning Committee by Cllrs Muldowney, Fletcher, Chukwu, C Kent and Watson to consider concerns regarding the potential use of the outbuilding and potential overdevelopment of the site.

**1.0 DESCRIPTION OF PROPOSAL**

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

1.2 The application seeks retrospective planning permission for the extension and alteration of an outbuilding located within the rear of the application site. The pre-existing paint-rendered outbuilding had a sloping roof which had an overall height

ranging from 2.7m to 2.9m. The existing outbuilding has been extended by 1.5m in length and has been converted to have a flat roof with an overall maximum height of 3.1m from ground level. The pre-existing window and door have been replaced with a window of the same size and a pair of French doors located in the flank of the outbuilding facing into the garden of the site. There are no other windows in the outbuilding.

- 1.3 The outbuilding is yet to be fully finished and is currently partly rendered however the applicant has confirmed their intention to fully render the building if approved. The outbuilding consists of a single room and the applicant has confirmed the outbuilding is to be used for utility and storage purposes associated with the main use of the dwelling.

**2.0 SITE DESCRIPTION**

- 2.1 The application site is a detached bungalow located within Cherry Walk. The site is situated within a residential area.

**3.0 RELEVANT PLANNING HISTORY**

There is no recent planning application history, however, the following enforcement history is of relevance:

Enforcement Reference	Complaint	Outcome
21/00490/BUNWKS	Breeze block building in the garden without the benefit of planning permission	Investigated, established a planning application is required. Application submitted.

**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. One letter of objection has been received, raising the following concerns:

- The outbuilding occupies 25% of the rear garden;
- The outbuilding exceeds the eaves height of the main dwelling ;

- The elevation of the outbuilding that faces onto No.52 and 54 Heath Road is breezeblock which is an unacceptable external finish;
- The outbuilding is now a habitable room.

#### 4.3 CADENT GAS:

No Objection

### 5.0 POLICY CONTEXT

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

5.1 The revised NPPF was published on 20 July 2021 and sets out the Government's planning policies. 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:

4. Decision making
12. Achieving well-designed places

#### National Planning Practice Guidance (NPPG)

5.2 In March 2014 the former 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. NPPG contains a range of subject areas, with each area containing several sub-topics. Those of particular relevance to the determination of this planning application include:

- Design
- Determining a planning application
- Enforcement and post-permission matters
- Use of planning conditions

#### **Local Planning Policy**

Thurrock Local Development Framework (as amended) (2015)

5.3 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)

#### 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 a new 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.

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

5.6 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 and Layout and Impact upon the Area
- III. Effect on Neighbouring Properties

- I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The application site is located within a residential area and as such the principle of development is acceptable, subject to compliance with relevant planning policies.

- II. DESIGN AND LAYOUT AND IMPACT UPON THE AREA

- 6.3 The retrospective works carried out have resulted in an outbuilding that has been lengthened by 1.5m to a length of 6.2m, and with an overall height of 3.1m following a modest increase in height and change to the roof design to a flat roof. The extension of the outbuilding to the northern end has brought it closer to the main dwelling. The width of the outbuilding has not changed. Alterations have been carried out to the fenestration of the outbuilding in the form of the installation of a set of French doors and a window within the elevation that faces onto the garden of the application site. The exterior of the outbuilding has not been fully finished and the applicant intends to fully render the outbuilding. An external materials condition should be included to ensure the development is appropriately finished.
- 6.4 While the outbuilding is slightly larger in its scale and mass in comparison to the previous outbuilding, within both the immediate and wider locality, there are a number examples of similar outbuildings located within the rear curtilage of dwellings and the development is not considered to be out of character by virtue of its size. The outbuilding is not visible from the public realm but is clearly visible from neighbouring rear gardens. The overall scale and footprint of the outbuilding is considered acceptable against the guidance within the adopted Residential Alterations and Extensions Design Guide (RAE).
- 6.5 The rear garden depths along this immediate western half of Cherry Walk, between numbers 27 and 37 Cherry Walk, are shallower in depth than other surrounding gardens in Cherry Walk. However, many of these neighbours have similar sized outbuildings. In particular, the outbuilding sits immediately adjacent to a detached garage and shed at the neighbouring dwelling at no. 31 Cherry Walk; this neighbouring garage and shed extend from the rears of both no 31 and 33 for the full depth of the rear garden, similar to the outbuilding under consideration. As a consequence, it is not considered that the development adversely impacts upon the character and appearance of the property or immediate area and is considered to

be acceptable in design terms complying with Policies CSTP22, PMD2 and the RAE.

- 6.6 With respect to the use of the outbuilding, the applicant has confirmed the outbuilding is to be used for utility and storage purposes associated with the main use of the dwellinghouse. This would be reasonable given the footprint of the building. A planning condition is recommended to ensure the outbuilding is not used as separate dwelling or for commercial uses which might conflict with Council policy and for which planning consideration has not been sought or given. The use of the outbuilding would comply with Policies CSTP22, PMD2 and the RAE.

### III. EFFECT ON NEIGHBOURING PROPERTIES

- 6.7 The outbuilding is located close to the shared boundary with no.31 Cherry Walk with the extension to the outbuilding bringing the structure 1.5m closer to the main dwellinghouse on the site. Due to the siting of the existing detached garage serving no. 31 Cherry Walk along this boundary, it is considered that the outbuilding has no detrimental impact upon the amenity of this neighbouring property and neither does the outbuilding represent an overbearing feature.
- 6.8 In relation to the other surrounding neighbours, including those at 52 and 54 Heath Road, given the separation distance between the outbuilding and the orientation of outbuilding to surrounding neighbours, it is not considered the building results in any unacceptable overbearing impacts or loss of privacy, light or amenity. The use of the outbuilding as ancillary to the main use for the dwellinghouse would be unlikely to result in any detrimental impact upon neighbouring amenity and the development complies with Policy PMD1.

## 7.0 CONCLUSIONS AND REASON FOR APPROVAL

- 7.1 The development is considered acceptable with regards design, scale and appearance and impact to neighbour amenity complying with policies CSTP22, PMD1, PMD2 and the RAE.

## 8.0 RECOMMENDATION

Approve, subject to the following condition(s);

**Retrospective Time Limit**

1. Notwithstanding the time limits given to implement planning permission as prescribed by Sections 91 and 92 of the Town and Country Planning Act 1990 (as amended), this permission in so far as it relates to the development (being granted under section 73A of the Act in respect of development already carried out) shall have effect from the date of this decision notice.

**Reason:** To ensure clarification of the works commenced in accordance with Section 73A of Chapter 8, Part III, of the Town and Country Planning Act 1990 (as amended).

**Approved Plans**

2. The development hereby permitted shall be carried out in accordance with the following approved plans:

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Reference	Name	Received
3301	Location Plan	25th January 2022
3302	Existing Plans	25th January 2022
3303	Pre-Existing Plans	23 February 2022

**Reason:** For the avoidance of doubt and to ensure the development accords with the approved plans with regard to policies PMD1 and PMD2 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**Render Material Finish**

3. Within 3 months of the date of this decision, the exterior of the outbuilding shall be fully rendered to match the remainder of the outbuilding rendering and permanently retained as such thereafter.

**Reason:** In the interests of visual amenity and to ensure that the proposed development is integrated with its surroundings in accordance with policy PMD2 of the adopted Thurrock Core Strategy and Policies for the Management of Development [2015].

**No Subdivision Or Creation Of Separate Dwelling**

4. The outbuilding hereby permitted, shall only be used for purposes ancillary to the residential use of the main dwelling known as 33 Cherry Walk. The outbuilding shall remain within the same planning unit and shall not be subdivided physically with fences, walls or other means of enclosure. Under no circumstances shall any part of the development hereby permitted be used as a separate unit of residential accommodation, or for any form of commercial use whatsoever.

**Reason:** To ensure that the accommodation remains ancillary to the existing dwellinghouse and does not create a separate or independent unit to safeguard the amenities of neighbouring occupiers, occupiers of the dwelling and in the interests of visual amenity of the area and highway safety in accordance with policies PMD1, PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for the Management of Development [2015].

**Informative:**

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)



