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# Appeal Decision

Site visit made on 23 November 2023

by **John Felgate BA(Hons) MA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 28 November 2023

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**Appeal Ref: APP/M1595/W/23/3318135**

**Land at 63 Wharf Road, Stanford-le-Hope, Essex SS17 0DZ**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Michael James against the decision of Thurrock Borough Council.
  - The application Ref 22/00616/FUL, dated 5 May 2022, was refused by notice dated 17 January 2023.
  - The development proposed is the demolition of the existing dwelling to form an access, and the erection of four semi-detached chalets with parking and amenity space.
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## Decision

1. The appeal is allowed, and planning permission is granted for the demolition of the existing dwelling to form an access, and the erection of four semi-detached chalets with parking and amenity space, on land at 63 Wharf Road, Stanford-le-Hope, Essex SS17 0DZ, in accordance with the application, Ref 22/00616/FUL, dated 5 May 2022, subject to the conditions contained in the attached schedule.

## Main issues

2. The Council's refusal of permission cited four reasons for refusal. Of these, Reason No 4 related to the proposed development's alleged impact on the Thames Estuary and Marshes special protection area. However, this refusal reason has since been withdrawn, and it is therefore not necessary for me to consider this matter further.
3. The remaining main issues in the appeal relate to the development's effects on:
  - the character and appearance of the area;
  - the occupiers of adjoining properties;
  - and highway safety.

## Reasons for decision

*Effects on the area's character and appearance*

4. I saw on my visit that Stanford-le-Hope is a large village, with a good range of facilities. Wharf Road is a suburban street, close to the village centre and within the defined built-up area. The street has a mixture of detached and semi-detached houses and bungalows, arranged in linear fashion. The existing

buildings are mainly from the mid-20<sup>th</sup> century. The prevailing architectural style is pleasant but unremarkable.

5. The appeal site comprises a rectangular parcel of vacant land, lying to the rear of Nos 57-71. The land is said to have been unused for many years. Behind it is a playing field attached to Stanford-le-Hope Primary School. The development now proposed would insert a short length of new access road, in place of the existing bungalow No 63. This would lead to a turning head and parking area, with two semi detached chalet-style houses on either side, with gardens to the rear.
6. The proposed development would depart somewhat from the established street pattern, by placing the new dwellings away from the existing frontage, and turning them at right-angles to the existing properties. However, these are not unusual features for an infill development of this type, in an existing residential area. To my mind, the scheme would create a coherent grouping of new buildings, with its own identity and sense of place. As such, it would be a reasonably attractive addition to the locality.
7. I note the Council's comments regarding the development's scale, density and design. But the new dwellings would be no more than one-and-a-half storeys in height, with only quite modest-sized dormers, and a relatively shallow roof pitch. The overall height would not be noticeably different from the existing bungalows in the area. All would have reasonably large plots and good-sized gardens. The small, single-storey rear projections would not be visible from any public viewpoints. All of these aspects seem to me unobjectionable. I note the Council's view that the development would be cramped, contrived and an overdevelopment, but in the absence of any further explanation, these criticisms are unsubstantiated.
8. The site's rear boundary, to the school field, is lined by an intermittent row of semi-mature trees, said to be a mixture of sycamores and common limes. The trees are grounded on the school side of the boundary, but in some cases branches overhang or have grown through the wire fence. The proposed new buildings would be sited close to the boundary at two points, and in these places it seems likely that some lateral reduction would be needed, in order to erect scaffolding and carry out the construction work. However, the arboricultural report makes clear that the extent of the pruning required would be limited, and that no foundation works would be needed within the rooting area. This evidence has not been challenged. Based on the information available therefore, there seems no reason to expect that any trees would be lost. In any event, the trees are not publicly visible, other than from the school, and consequently the effects on the surrounding area would be likely to be negligible.
9. For these reasons, I can find no substance in any of the Council's stated concerns regarding the effects of the development on the area's character and appearance. I conclude that no harm would arise in this respect. It follows that in this regard the scheme would not conflict with any of the relevant design policies of the Thurrock Core Strategy (the TCS)<sup>1</sup>, including Policies CSTP 22 and CSTP23, and PMD2, which together seek to promote good design, respecting the Borough's positive characteristics and local distinctiveness.

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<sup>1</sup> The 'Thurrock Core Strategy and Policies for Management of Development (as amended)', adopted January 2015

### *Effects on adjoining occupiers*

10. The proposed new dwellings would be sited close to the rear boundaries of the existing properties in Wharf Road, and would present two gabled flank walls close to this boundary. However, the maximum height of these, at their ridge, would be just under 7 metres, and the eaves would be less than 3m. These would therefore be quite modest sized buildings. In addition, the gardens of the existing properties in this part of Wharf Road are around 13m long. I appreciate that the residents of these properties would suffer the loss of their present open view, but in this type of situation, planning policies are designed to protect living conditions, rather than views as such. In this case, having regard to the relatively low height of the new buildings, and the distance from the existing dwellings, it seems to me that the development would not give rise to any undue visual impact, loss of outlook, or overbearing effect. Furthermore, given the northerly aspect, nor would it cause any noticeable loss of light.
11. The new dwellings would have dormer windows at first floor level, to front and rear, but these would be oriented at 90 degrees to the boundary, so that any outward views towards the existing gardens would be oblique, at most. The dormers would also be recessed, restricting the angle of view, and thus further reducing the risk of overlooking. The existing gardens are already overlooked to a greater extent than this, by other adjoining properties. In these circumstances, the development now proposed would not give rise to any significant loss of privacy.
12. The development would generate some traffic movements, and the sound of these would be audible at those existing properties nearest to the new access road. But given the small number of dwellings, the frequency of such movements would be limited. To my mind the degree of disturbance likely to result would be no more than slight.
13. On the adjoining school site, the school buildings are well away from the appeal site boundary, and thus any visual or noise effects on the users of that site would be negligible.
14. I therefore conclude that the impacts on existing occupiers would be relatively minor, and that the living conditions of existing residents would be adequately preserved. In these respects the proposed scheme would accord with the relevant provisions of TCS Policies PMD1 and PMD9, which seek amongst other things to protect local amenity, the environment, and the quality of life.

### *Effects on highway safety*

15. Wharf Road is a moderately busy, 'C' class urban road, which serves the surrounding residential area, and also forms the sole access in and out of a large industrial and business area at its further end. Although overall traffic flows on this route are not especially high, they include a relatively large proportion of heavy goods and other commercial vehicles. Having regard to this context, I fully understand the Council's desire to ensure that any new access is safe for the location.
16. In the present appeal scheme, the new access road is shown in detail on plan no. 2021-4210-001-A. Although this particular plan has been added since the Council made its decision, it does not materially change any of the details

previously submitted, and its inclusion at this stage has not been objected to. The new road would have a bellmouth-style entrance with kerb radii of 4m. The carriageway would be 5.5m wide initially, and thereafter would have a minimum width of 4.8m throughout. A continuous 1.8m-wide footway would run alongside this, with a 1.5m verge on the other side. The turning head would have a clear manoeuvring space of about 21m by 5m, plus vehicle overhang space at each end. It does not appear to be disputed that these dimensions meet or exceed the relevant standards, in Manual for Streets and the Essex Design Guide, for a road serving a small development of the size now proposed.

17. Based on the evidence before me it seems clear that, in most cases, two cars or a car and van would be able to pass each other on the access road, in reasonable comfort. On those occasions when a larger vehicle was involved, it might be necessary for one or the other to give way, but the space available would allow this usually to take place clear of the highway. In addition, the appellants' swept path diagrams show that the layout would be able to safely accommodate entry and exit movements, and 3-point turning movements within the site, by all of the types of vehicles reasonably likely to use it. In most cases therefore, vehicles would be able to enter and leave the site in forward gear, and without causing obstruction. Emergency vehicles would also be able to use the access without difficulty.
18. Visibility splays of 2.4m x 43m are shown to be achievable, across highway land. As the Council points out, these might sometimes be impeded by on-street parking. But the same could be said of many other existing situations where parking is not subject to any formal restrictions; if necessary, powers are available to prevent parking which endangers road users. In this case, Wharf Road is reasonably wide and straight, and thus has few other obstructions to visibility. The road is lit, and the speed limit is 30 mph. In this section, the housing is confined to one side only, and most properties have at least some off-road parking. Having regard to all these circumstances, it seems to me that the visibility available is adequate for the scale and type of development now proposed.
19. The Council draws attention to the proximity of the site to the existing junction with Cabborns Crescent. But it is not disputed that a distance of 22m could be achieved, which would appear to meet the spacing requirement for this kind of arrangement, involving staggered junctions on opposite sides. In any event, Cabborns Crescent is a minor cul-de-sac, serving only around 20 or so dwellings, and the appeal proposal would clearly be smaller still, and the numbers of vehicles from both would therefore be small. It also seems to me particularly relevant that Wharf Road itself is effectively a cul-de-sac, so that the great majority of traffic movements from both of these side roads would be likely to be in one direction only, thus reducing the likelihood of movements that conflict. Given the generally good visibility, and the small numbers involved, I do not consider that the junction spacing would be unsafe.
20. I note the Council's concern regarding refuse vehicles, and that those currently used in Thurrock are said to be of a larger size than some others, although the dimensions do not appear to be stated. The appellants' swept paths allow for what is described as a large refuse vehicle, of 11.2m length, and there is no evidence that a vehicle of this size could not be accommodated. But the proposed layout also makes provision for a collection point where up to 12

wheelie bins could be presented for emptying on the appropriate days, with all being within 20m of the existing public highway. With this facility available, refuse vehicles would not need to enter the site, and it therefore seems quite likely that the operator's preferred method would be for the vehicle to remain on Wharf Road. Given the possibility of these two options, in the absence of clear evidence to the contrary, it seems to me that the provision made for refuse vehicles would be likely to be satisfactory.

21. With regard to car parking, a total of 11 parking spaces are proposed, including two meeting the size required for use by the disabled. As far as I can tell, this appears to more than satisfy the requirement under the Council's standards. I note the Council's comment that the incorrect standard has been applied, but this appears to be contradicted in the view stated by the Highways Officer. I see no reason to doubt that the parking provision proposed would be likely to be adequate for the needs of the development.
22. The Council suggests that additional and updated information is needed regarding existing traffic flows. But in the light of my findings on the above matters, it seems to me that such information would be unlikely to affect my conclusion. In any event, I am satisfied that the information available is sufficient in this case.
23. For these reasons, I conclude that the proposed scheme would provide a good standard of access for its occupants, and would adequately protect the safety of all road users. As such, the development would comply with the relevant provisions of TCS Policies PDM2, PDM8 and PDM9, relating to highway safety, access and car parking.

### **Other matters**

24. I note the other matters raised by local residents. With regard to wildlife, the ecological survey submitted with the application found the site to be of low ecological value. Whilst there was some potential for a variety of species, no signs were found of any current or recent activity on the site. The Council has not suggested a need for any conditions in this regard, and I see no reason to disagree. I note the concerns regarding the potential for crime, but the shared parking area would be in view from Wharf Road, as well as from the new and existing properties, and thus would not lack natural surveillance. The proposed bin collection point is only intended for use on one day per week, and it seems unlikely that bins would be kept here at any other times, given that each dwelling would have space in their own gardens. The risk of attracting vermin therefore seems relatively low. I appreciate that the development would involve the loss of an existing dwelling, which is habitable and capable of modernisation. But that loss is outweighed by the net gain of three dwellings that would result, after taking account of this demolition.
25. With this in mind, I turn to the matter of the need for housing. Government policy in the National Planning Policy Framework (the NPPF) requires authorities to maintain a minimum five years' supply of deliverable sites, in order to ensure a continuous supply of land for development, and thus help to significantly boost the overall housing supply, both locally and nationally. In the present case, the appellants' evidence points to a supply figure within Thurrock of only 2.5 years' worth in the most recent analysis. Moreover, this appears to have remained consistent, within a few percentage points, for several years. In addition, the most recent Housing Delivery Test result is said

to be 49%. These figures have not been disputed by the Council. On the basis of this evidence, the Borough appears to have a serious shortfall in both its medium-term housing supply and its recent past delivery. In this situation, the NPPF makes it clear that planning permission for new development should only be refused where the harm that would result outweighs the benefits, not just marginally, but significantly and demonstrably. In the light of this evidence, the benefits of the net housing gain that would result from the appeal scheme must carry substantial weight.

26. As the appellants point out, where permission is refused for development that should clearly have been permitted, an award of costs may be made. In the light of my findings on the above matters, I am inclined to agree that the present appeal could be considered such a case. However the appellants have also made it clear that in view of the Council's reported financial position, they would prefer not to pursue such an award in this case. In the circumstances, I have not considered the matter of costs any further on this occasion.

### **Conditions**

27. The Council has suggested a number of conditions, on a without prejudice basis, as they are required to do. I have considered these against the tests in NPPF paragraph 56, and the conditions that I intend to impose are set out in full in the attached schedule. Where appropriate, I have edited the suggested wording in the interests of clarity and conciseness, and to avoid over-prescriptiveness or duplication.
28. A condition specifying the approved plans is necessary to provide certainty as to the nature of the approved development. Conditions relating to materials and landscaping are needed to ensure that the character and appearance of the area are protected. Conditions securing the provision of the access, roads, footways and vehicular areas are needed for reasons of highway safety. A condition relating to the proposed refuse collection area is necessary to ensure a high quality of development.
29. With regard to the other suggested conditions, I appreciate the Council's desire to protect local environmental conditions during construction, but many of the matters that would be included in the Council's proposed Construction Environmental Management Plan (CEMP) are controllable through other legislation, and there is no need to duplicate these controls through planning conditions. In any event, the proposed development is fairly small, and thus its impact during construction is likely to be limited. There is no evidence that without this proposed condition, planning permission could reasonably be refused. The proposed CEMP condition therefore fails the NPPF's test of necessity. The same applies to the proposed condition limiting the hours of construction work. In addition, any condition removing permitted development rights would need clear justification, and in the present case no such justification is apparent. I have therefore not imposed these latter conditions.

### **Conclusion**

30. For the reasons set out above, I have found that the proposed development would cause no discernible harm to the area's character or appearance, nor any significant harm to neighbours' living conditions, or to highway safety. In none of these respects would there be any conflict any with relevant planning policies. The scheme would therefore conform with the development plan. The

NPPF makes it clear that, in such cases, development should be approved without delay.

31. The need to bring forward additional land for housing, to make good the shortfall in the Borough's 5-year land supply, adds further substantial weight in favour of the development. In the absence of any substantiated harm, the appeal scheme's accordance with the development plan, and its benefits in terms of housing provision, clearly weigh in favour of granting permission.
32. I have considered all the other matters raised, but I find nothing in these that could change or outweigh this conclusion. The appeal is therefore allowed.

*J Felgate*

INSPECTOR

## **SCHEDULE OF CONDITIONS**

The planning permission to which this decision relates is granted subject to the following conditions:

- 1) The development hereby permitted shall be commenced not later than three years from the date of this decision.
- 2) The development shall be carried out only in accordance with the following approved plans:

200c	Site Plan
201b	Floor Plans and Elevations
2021-4210-001-A	Proposed Site Access
- 3) No development above ground level shall be carried out until details of the facing materials to be used on the external surfaces of the buildings have been submitted to the local planning authority and approved in writing. Thereafter, the development shall be carried out using the materials thus approved.
- 4) No new dwelling within the development shall be occupied until a scheme of hard and soft landscaping has been submitted to the local planning authority and approved in writing. The landscaping scheme shall include full details of all tree and shrub planting, turfing, seeding and paving to the communal areas within the development. The scheme shall also include a timed programme for the implementation of these works. Thereafter, the landscaping scheme shall be carried out in accordance with the details and programme thus approved. If, within a period of 5 years from the date of planting, any tree or shrub is destroyed or removed, or dies or becomes damaged or diseased, it shall be replaced with another of the same size and species, or such other as may be approved by the local planning authority, within the next available planting season.
- 5) No new dwelling within the development shall be occupied until the proposed highway access, roadway, turning head, footway and parking areas have been constructed in accordance with the approved plans, and made available for use in connection with the development. The access thus created shall have visibility splays of 2.4m x 43m, over land within the public highway, as shown on Plan No. 2021-4210-001-A. Thereafter, these facilities shall be retained and kept available for their stated purpose at all times.
- 6) No new dwelling within the development shall be occupied until the proposed refuse bin collection area has been provide in accordance with Plan No 200c. Thereafter, the collection area shall be retained and kept available for that purpose at all times.

[END OF SCHEDULE]