

Reference: 17/00921/FUL	Site: 2 Theobalds Avenue Grays Essex RM17 6SA
Ward: Grays Thurrock	Proposal: Proposal for a new dwelling unit that comprises of 2 bedrooms, a family bathroom, living room, kitchen/dining area and amenity space.

Plan Number(s):		
Reference	Name	Received
PL01	Location Plan	7th July 2017
PL02	Existing Floor Plans	7th July 2017
PL03	Existing Elevations	7th July 2017
PL04	Proposed Floor Plans	7th July 2017
PL05	Proposed Floor Plans	7th July 2017
PL06	Proposed Floor Plans	7th July 2017
PL07	Proposed Elevations	7th July 2017

<p>The application is also accompanied by:</p> <ul style="list-style-type: none"> - Materials Statement - Construction Management Statement - Parking Survey 	
Applicant: Mr Dacian Keran	Validated: 7 July 2017 Date of expiry: 1 September 2017 (Extension of time agreed with applicant)
Recommendation: To Refuse	

This application is scheduled for determination by the Council's Planning Committee because it has been called in by Cllrs G Rice, B Rice, S Liddard, C Baldwin and O Gerrish (in accordance with the Constitution Chapter 5, Part 3 (b), 2.1 (d) (i)) on the grounds of overdevelopment in a residential area.

1.0 DESCRIPTION OF PROPOSAL

1.1 This application seeks planning permission for the demolition of the existing double garage and side extension and the construction of a new 2-bedroom dwelling. The proposed dwelling would be adjoined to the existing dwelling on site and would result in the creation of a terrace of 3 dwellings instead of a pair of semi-detached dwellings. No car parking is proposed for either the new or existing dwelling.

2.0 SITE DESCRIPTION

2.1 The site is triangular in shape with the principal elevation fronting Theobalds Avenue to the east. To the north west of the site are houses in Palmers Avenue which back onto the site. This boundary comprises a timber fence and significant screening vegetation. There is an outbuilding used for storage towards the end of the rear garden. To the east and south are further houses and flatted developments.

3.0 RELEVANT HISTORY

Application Reference	Description of Proposal	Decision
64/00072/FUL	Garage	Approved
76/00034/FUL	Dining Room/Porch/Kitchen/W.C. Extension.	Approved

4.0 CONSULTATIONS AND REPRESENTATIONS

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:

4.1 This application has been advertised by way of individual neighbour notification letters and online planning register. The Council have received 12 objections, citing the following concerns:

- Parking (no parking proposed leading to parking on the highway, no access for emergency vehicles);
- Creation of a terrace;
- Detrimental to the character of the street;
- Loss of light and privacy to gardens to the north/northwest (Palmers Ave);
- Insufficient garden space for two properties;
- Proposed new study could be used as another bedroom;
- Contravenes covenant on deeds;
- Disturbance from construction (dust, noise particularly including during the day);

- Highway obstruction due to construction vehicles;
- Loss of property value;
- Potential for use as an HMO;
- There is no need for further housing in this area.

4.2 HIGHWAYS:

Recommend refusal as the development does not comply with parking policy PMD8.

4.3 ENVIRONMENTAL HEALTH:

No objections subject to conditions.

4.4 LANDSCAPE AND ECOLOGY:

No objections subject to conditions.

5.0 POLICY CONTEXT

National Planning Guidance

National Planning Policy Framework (NPPF)

5.1 The NPPF was published on 27th March 2012. Paragraph 13 of the Framework sets out a presumption in favour of sustainable development. Paragraph 196 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 197 states that in assessing and determining development proposals, local planning authorities should apply the presumption in favour of sustainable development.

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

- 6. Delivering a wide choice of high quality homes
- 7. Requiring good design

Planning Practice Guidance

5.3 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 42 subject areas, with each area containing several

subtopics. Those of particular relevance to the determination of this planning application comprise:

- Design

Local Planning Policy

Thurrock Local Development Framework (2011)

- 5.4 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” in December 2011. The following Core Strategy policies apply to the proposals:

Thematic Policies:

- CSTP1 (Strategic Housing Provision)
- CSTP22 (Thurrock Design)
- CSTP23 (Thurrock Character and Distinctiveness)²

Policies for the Management of Development:

- PMD1 (Minimising Pollution and Impacts on Amenity)²
- PMD2 (Design and Layout)²
- PMD8 (Parking Standards)³
- PMD9 (Road Network Hierarchy)

[Footnote: ¹New Policy inserted by the Focused Review of the LDF Core Strategy. ²Wording of LDF-CS Policy and forward amended either in part or in full by the Focused Review of the LDF Core Strategy. ³Wording of forward to LDF-CS Policy amended either in part or in full by the Focused Review of the LDF Core Strategy].

Focused Review of the LDF Core Strategy (2014)

- 5.5 This Review was commenced in late 2012 with the purpose to ensure that the Core Strategy and the process by which it was arrived at are not fundamentally at odds with the NPPF. There are instances where policies and supporting text are recommended for revision to ensure consistency with the NPPF. The Review was submitted to the Planning Inspectorate for independent examination in August 2013. An Examination in Public took place in April 2014. The Inspector concluded that the amendments were sound subject to recommended changes. The Core Strategy and Policies for Management of Development Focused Review: Consistency with National Planning Policy Framework Focused Review was adopted by Council on the 28th February 2015.

Draft Site Specific Allocations and Policies DPD

- 5.6 This Consultation Draft “Issues and Options” DPD was subject to consultation commencing during 2012. The Draft Site Specific Allocations DPD ‘Further Issues and Options’ was the subject of a further round of consultation during 2013. The Planning Inspectorate is advising local authorities not to continue to progress their Site Allocation Plans towards examination whether their previously adopted Core Strategy is no longer in compliance with the NPPF. This is the situation for the Borough.

Thurrock Core Strategy Position Statement and Approval for the Preparation of a New Local Plan for Thurrock

- 5.7 The above report was considered at the February meeting 2014 of the Cabinet. The report highlighted issues arising from growth targets, contextual changes, impacts of recent economic change on the delivery of new housing to meet the Borough’s Housing Needs and ensuring consistency with Government Policy. The report questioned the ability of the Core Strategy Focused Review and the Core Strategy ‘Broad Locations & Strategic Sites’ to ensure that the Core Strategy is up-to-date and consistent with Government Policy and recommended the ‘parking’ of these processes in favour of a more wholesale review. Members resolved that the Council undertake a full review of Core Strategy and prepare a new Local Plan.

Thurrock Local Plan

- 5.8 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. It is currently anticipated that consultation on an Issues and Options (Stage 2 Spatial Options and Sites) document will be undertaken later this year.

6.0 ASSESSMENT

- 6.1 The assessment below covers the following areas:

- I. Principle of the Development
- II. Design and Layout
- III. Amenity of Neighbours
- IV. Parking and Highways

I. PRINCIPLE OF THE DEVELOPMENT

- 6.2 The proposed land use would remain residential and therefore there are no objections in principle to the proposal.

II. DESIGN AND LAYOUT

- 6.3 The proposed dwelling would follow the notional building line but would create a terrace of three homes which would be at odds with the established pattern of semi-detached homes in this street. However, the design and detailing of the dwelling would closely match that of the host property and would represent a continuation of the existing building form. Therefore the proposed appearance of the dwelling would be in keeping with the general appearance of streetscene albeit in the form of terrace of 3 dwellings instead of a pair semi-detached dwellings.
- 6.4 The proposed internal living area would be satisfactory and reflects a similar layout to the host property.
- 6.5 Externally, the plans do not show any demarcation between the private amenity space serving the existing dwelling and that to be set aside for the new dwelling but this could be addressed via a condition. However, the total available private amenity is just over 150sqm which falls significantly below the expectation of 100sqm each. This shortfall is indicative of overdevelopment of the site and the substandard garden areas would be detrimental to the future occupiers of the new and existing dwelling as well as being out of character with the area.
- 6.6 In conclusion under this heading, while the broad approach to the design and form of the property is considered acceptable, the proposal would fall to make suitable provision for private amenity space contrary to policy PMD2 of the Adopted Core Strategy and Annex 1 of the Local Plan 1997

IV. AMENITY OF NEIGHBOURS

- 6.7 The proposed new property would be sited in close proximity to the northwest boundary where the rear gardens of the houses in Palmers Avenue back onto the site. The rear and side elevation of the proposed dwelling would not run parallel to the boundaries so only one corner of the building would be close to the boundary. Given the distances from the rear elevations of the dwellings in Palmers Avenue to the site the proposal would not result in any harmful loss of outlook, light or overshadowing impact to the amenities of these neighbouring occupiers. The applicant has been careful to ensure there would no overlooking from the side elevation as side windows at first floor level of the new dwelling are angled to face into the streetscene.

V. PARKING AND HIGHWAYS

- 6.8 The proposal would remove the existing double garage and forecourt parking arrangement which provides off-street parking to the existing house. The Council's Draft Parking Policy requires a minimum of two spaces for each dwelling but the development would provide no off-street parking for either dwelling.

The Council's Highway Officer has warned that Theobalds Road is already oversubscribed and insufficient parking for these two dwellings would result in increased demand for on-street parking to the detriment of highway safety. The applicant's agent has been advised of this conflict with planning policy however at the time of writing this report no revisions have been proposed. As currently proposed, the application is in clear conflict with Policy PMD8 of the Adopted Core Strategy.

7.0 CONCLUSIONS AND REASON(S) FOR REFUSAL

- 7.1 While the principle of the development is considered acceptable, the proposal is considered unacceptable because it would result in the creation of a new dwelling which would be afforded insufficient private amenity and no parking spaces. The development would also result in the loss of the existing parking provision for the host dwelling and significantly reduce the amenity area for that dwelling.
- 7.2 As a result, the development, if permitted, would impact upon existing and future occupiers through substandard garden spaces and give rise to on-street parking in an area that already experiences high levels of parking on-street. The development is in direct conflict with policies PMD2 and PMD8 of the Adopted Core Strategy and Annex 1 of the Local Plan 1997 and as such the recommendation is one of refusal.

8.0 RECOMMENDATION

To Refuse for the following reasons:

Reason(s):

Insufficient information has been provided with the application as it has not been demonstrated that the existing and proposed dwelling would be served by the minimum required two off-street parking spaces per dwelling. As a result the proposal is likely to give rise on street parking demands in area currently experiencing high levels of parking street. This would be detrimental to highway safety and contrary to policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015

1. Policy PMD2 (Design and Layout) of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 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.

Policy CSTP22 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 indicates that development proposals must demonstrate high quality design founded on a thorough

understanding of, and positive response to, the local context.

Annex 1.2 of the Thurrock Borough Local Plan (1997) (saved) requires 100sqm of private amenity for houses with a gross floor area greater than 75sqm and less than 99sqm.

Policy PMD8 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 requires off street parking to be provided to meet the Council's standards.

- i The proposal fails to provide any off street parking for the proposed new dwelling and existing dwelling. As a result the proposal would give rise to on-street parking demands in area currently experiencing high levels of parking on-street. The application is in direct conflict with policies PMD2 and PMD8 of the adopted Thurrock LDF Core Strategy and Policies for Management of Development (as amended) 2015 and would be detrimental to highway safety and efficiency.
- ii The proposed development would fail to provide sufficient private amenity space for the new and existing dwellings. The garden areas proposed, at circa 75 sqm per dwelling, would fall grossly below the requirements of Annex 1 and would therefore be harmful to the amenities of the existing and future occupiers of the dwellings. The garden areas proposed would also be highly inconsistent with other established properties in the location making the development appear incongruous.

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 identifying matters of concern with the proposal and discussing those with the Applicant/Agent. Unfortunately, it has not been possible to resolve those matters within the timescale allocated for the determination of this planning application. However, the Local Planning Authority has clearly set out, within its report, the steps necessary to remedy the harm identified within the reasons for refusal - which may lead to the submission of a more acceptable proposal in the future. The Local Planning Authority is willing to provide pre-application advice in respect of any future application for a revised development.

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

