

<b>Reference:</b> 23/00303/FUL	<b>Site:</b> 32 Rainbow Lane, Stanford Le Hope, SS17 0AS
<b>Ward:</b> Stanford Le Hope West	<b>Proposal:</b> Proposed new dwelling to south of the existing property No. 32, including associated parking and amenity space.

Plan Number(s):		
Reference	Name	Received
00736465-F22E14	Location Plan	15.03.2023
21/23/A	Proposed New Dwelling	15.03.2023
21/23/B	Proposed New Dwelling	15.03.2023

The application is also accompanied by: <ul style="list-style-type: none"> <li>• Application form</li> </ul>	
<b>Applicant:</b> Mrs Hawkins	<b>Validated:</b> 15.03.2023 <b>Date of expiry:</b> 8.06.2023 Agreed extension of time
<b>Recommendation:</b> Refuse	

This application is scheduled for determination by the Council's Planning Committee as the application was called in by Cllr S Hebb, Cllr A Anderson, Cllr D Arnold, Cllr S Ralph and Cllr J Halden in accordance with Part 3 (b) 2.1 (d) (i) of the Council's constitution to consider the proposals impact on the amenity of the existing residents and the density of the area.

## 1.0 DESCRIPTION OF PROPOSAL

- 1.1 Planning permission is sought for the sub-division of an existing residential plot (number 32) and the erection of a two storey 3-bed dwellinghouse, with an associated access point and amenity area.
- 1.2 The dwelling would be sited to the south-west of the host property, on a section of the garden land which is orientated to the side of the host dwelling. The proposed dwelling would be sited fronting the junction of Rainbow Lane and Billet Lane. Vehicular access would be taken from Billet Lane with the

access point to the site proposed in the southwest corner of the site. In terms of appearance, it is a simplistic design with a hipped roof form.

## 2.0 SITE DESCRIPTION

2.1 The application site which amounts to around 320sqm, is situated in a corner plot, opposite the junction of Rainbow Lane and Billet Lane and currently forms part of the garden area for 32 Rainbow Lane. The site is bounded by low level hedging.

2.2 The surrounding area is residential in nature and is characterised by a relatively uniform row of semi-detached two-storey, dwellings, coming together at the corner location of the application site. Opposite the site to the southwest is Billet Park which occupies a football club and opposite the site to the northeast is open countryside.

## 3.0 RELEVANT PLANNING HISTORY

3.1 The following table provides the planning history of the site:

Reference	Description	Decision
86/00002/FUL	Dining room extension	Approved

## 4.0 CONSULTATION 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)

### PUBLICITY:

4.2 This application has been advertised by way of individual neighbour notification letters and a public site notice which has been displayed nearby.

Three (3) objections have been received which raise the following summarised concerns:

- Access, traffic and highway safety concerns.
- Road visibility concerns.
- Design of dwelling out of character with the area.
- Overdevelopment.

- Impact on neighbouring amenity - noise and disturbance, overlooking, loss of privacy, overshadowing.

#### 4.3 HIGHWAYS:

Recommend refusal on the basis of information submitted at this time.

### 5.0 POLICY CONTEXT

#### National Planning Policy Framework (NPPF)

5.1 The revised NPPF was published on 20th 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
5. Delivering a sufficient supply of homes
6. Building a strong, competitive economy
9. Promoting sustainable transport
11. Making effective use of land
12. Achieving well-designed places

#### National Planning Practice Guidance

5.2 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 range of subject areas, with each area containing several subtopics. Those of particular relevance to the determination of this planning application comprise:

- Climate change
- Consultation and pre-decision matters
- Design
- Determining a planning application
- Effective use of land
- Healthy and safe communities

- Housing supply and delivery
- Natural environment
- Noise
- Use of planning conditions

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

5.3 The Council adopted the “Core Strategy and Policies for the Management of Development Plan Document” (as amended) in 2015. The following Core Strategy policies in particular 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 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.

## **6.0 ASSESSMENT**

The material considerations for this application are as follows:

- I. Principle of the development
- II. Access, Parking and Highway Safety
- III. Design and Layout and Impact upon the Area
- IV. Amenity and Impact on Neighbouring Properties
- V. Ecology
- VI. Other Matters

### **I. PRINCIPLE OF THE DEVELOPMENT**

- 6.1 Policy CSSP1 (Sustainable Housing and Locations) refers to the target for the delivery of new housing in the Borough over the period of the Development Plan. This policy notes that new residential development will be directed to previously developed land in the Thurrock urban area, as well as other specified locations.
- 6.2 The site is located within an established residential area within Stanford-Le-Hope, where no policies of constraint apply. The site is currently being used as amenity space for an existing residential dwelling. On this basis the general principle of development in this locality would be acceptable subject to other material considerations which will be discussed below.

### **II. ACCESS, PARKING AND HIGHWAY SAFETY**

- 6.3 The access to the new dwelling would be located in close proximity to the junction of Rainbow Lane and Billet Lane on a sharp turn in the highway. While the site is found within a residential area, it is recognised that the site is close to playing fields which generate additional traffic movements in this location; it is important therefore that any parking provision for the new dwelling is made within the site itself.
- 6.4 The submitted plans indicate the provision of two car parking spaces that would be sited adjacent to the boundary of the site. The site does not however provide sufficient space for the proposed vehicles to access and egress the site in forward gear. Furthermore, the spaces are in relative proximity to the

exiting junction and camber in the road. Concerns have been raised by the Council's Highway Officer in relation to the level of detail supplied in respect of the proposed access parking and resultant impact on highway safety. At this time an objection is raised to the proposal on a lack of information regarding highway safety. The proposal is therefore contrary to Policy PMD9 of the of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

- 6.5 The parking provision for the existing dwelling, No. 32, would be retained; no concerns are raised in this respect.

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

- 6.6 The planning system promotes high quality development through good inclusive design and layout, and the creation of safe, sustainable, livable and mixed communities. Good design should be indivisible from good planning. Recognised principles of good design should be sought to create a high-quality built environment for all types of development.

- 6.7 It should be noted that good design is fundamental to high quality new development and its importance is reflected in the NPPF. In order to comply with the NPPF and Policy PDM1, the proposal must be compatible with, or improve the surrounding location through its scale, height and choice of external materials and ensures that development will not have a detrimental impact on its surrounding area and local context and will actively seek opportunities for enhancement in the built environment.

- 6.8 In determining an appropriate contextual relationship with surrounding development, factors such as height, scale, massing and siting are material considerations. Details such as architectural style, along with colour texture of materials, are also fundamental in ensuring the appearance of any new development is sympathetic to its surrounding and therefore wholly appropriate in its context.

- 6.9 The immediate setting, in which the proposed development would be located is characterised by a relatively uniform row of semi-detached two-storey dwellings, coming together at the application site. The wider area is made up of uniform two storey semi-detached dwellings that are architecturally traditional, and brick built. Whilst the design of the dwellings are of limited architectural merit the relatively consistent design adds to the character and appearance of the area. The application site provides amenity space for no. 32 and due to its open nature and soft, landscaped appearance it is considered to contribute positively to the streetscene.

- 6.10 The proposed development would be a detached dwelling of a significantly different design to the existing character of the area. Whilst a number of the properties have been extended and altered the dwellings retain a generally consistent design approach. The proposed development is of a relatively

rudimentary design of limited architectural merit that contains a number of unresolved design elements including inconsistent fenestration scheme, excessive areas of blank elevation and contrived roof design.

- 6.11 Whilst the layout has, to some extent, attempted to respect the existing building lines due to the orientation of the dwelling it is considered that this has had limited success. The fact the property is detached, layout, plot shape and positioning within the plot along with the design approach is in stark contrast with the properties located within the uniform row of semi-detached dwellings and the properties within the wider area. The harm of the proposed dwelling is exaggerated by the prominent position and the erosion of the openness of the corner plot.
- 6.12 It should be noted that the applicant has indicated that private amenity space can be provided to the side of the dwelling. However, the provision of boundary treatment in this location would not respect the existing character of the area. As highlighted above the area has retained some strong similarities and one of these is the position of boundary treatment providing open spaces to the front of the properties. Therefore, the provision of boundary treatment in a dominant location easily visible from the public realm would further exacerbate the harm highlighted above.
- 6.13 The proposed dwelling and associated development is considered to result in a contrived development which offers little connectivity with its surroundings and would result in demonstrable harm to the application site and character and appearance of the area, contrary to Policies CSTP22, PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

#### IV. AMENITY AND IMPACT ON NEIGHBOURING PROPERTIES

- 6.14 The application site is boarded by two neighbouring properties: No. 32, the host property, is located to the northeast of the site, 66 Billet Lane to the southwest.
- 6.15 The layout and design of the dwelling appears to have been led, in part, in an attempt to mitigate any harmful, overlooking, overshadowing or overbearing impacts. In terms of overlooking, given the orientation of the building and location of the windows, the only window that could potentially demonstrably impact 66 Billet Lane and 32 Rainbow Lane, is located on the first-floor rear elevation of the proposed dwelling and could be conditioned to be obscure glazed as it serves a bathroom. There would be windows located on both side elevations. However, given the orientation of the proposed dwelling, the windows would have views out towards the front/side of 66 Billet Lane and 32 Rainbow Lane, which would not be considered to result in a demonstrable level of harm.

- 6.16 In terms of overshadowing and an overbearing impact, the dwelling has been orientated so that it is at an angle with both immediately adjacent neighbouring properties, which is considered to prevent any significant impacts in terms of overshadowing the main habitable windows of the neighbouring properties or forming an overbearing or oppressive impact, that would be so detrimental to the amenity of the neighbouring properties as to result in demonstrable harm.
- 6.17 Neighbours have raised concerns regarding noise and disturbance. Whilst it is accepted that the provision of an additional dwelling will result in some increase in noise and disturbance the area is residential in nature. It is not considered that the comings and going from a reasonable use of the proposed dwelling will result in demonstrable harm in terms of noise and disturbance. The planning system has limited control over the decorum of individuals and any undue level of noise due to unreasonable behaviour would typically be dealt with by Environmental Health legislation.
- 6.18 The area indicated for private amenity space for No. 32 is shown to be at around 55m<sup>2</sup>. This is considered to be a small space that would not provide a usable space that would meet the outdoor needs of a family dwelling. The proposed dwelling will be constructed on garden area of this dwelling, however this space is not private but is clearly well maintained and adds to the living conditions of the existing residents of No. 32. On balance it is not considered that this can form a standalone refusal, based solely on private amenity space, but further indicates that the development is overdevelopment of the site. This matter is discussed further below.

## V. ECOLOGY

- 6.19 The application site is located within a Zone of Influence. for one or more of the European designated sites scoped into the emerging Essex Coast Recreational disturbance Avoidance and Mitigation Strategy (RAMS). It is anticipated that, without mitigation, new residential development in this area is likely to have a significant effect on the sensitive interest features of these coastal European designated sites, through increased recreational pressure when considered 'in combination' with other plans and projects. Natural England advise that Local Authorities must undertake a Habitat Regulations Assessment (HRA) to secure any necessary mitigation and record this decision within the planning documentation.
- 6.20 The financial contribution (mitigation) is expected to be in line with the Essex Coast RAMS requirements to help fund strategic 'off site' measures (i.e. in and around the relevant European designated site(s)) targeted towards increasing the site's resilience to recreational pressure and in line with the aspirations of RAMS it is currently set at £156.76 per dwelling. No payment has been made or legal agreement submitted to ensure payment in the future.



- 6.21 In the absence of the payment legal agree to cover a future payment the impact of the development would not be able to be mitigated and thus, this would constitute a reason for refusal of the application.

## VI. OTHER MATTERS

- 6.22 As discussed above the proposed development is of limited architectural merit, which partly is led by an attempt to mitigate overlooking from the proposed dwelling. The design detailing, including fenestration layout, and the siting of the dwelling in the plot has resulted in a contrived development which would appear as an alien feature in the streetscene. Furthermore, the proposed usable private amenity space for both dwellings is below the level to be policy complaint. Whilst the shortfall (which is relatively small for the proposed dwelling) has not formed a reason for refusal on its own, it indicates that an excessive level of development is being sort as part of the application. When considering this alongside the concerns regarding highway safety it is considered that the proposed development, in its current form, would result in overdevelopment of the site contrary to Policies CSTP22, PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015.

## 7.0 CONCLUSIONS AND REASONS FOR REFUSAL

- 7.1 The proposed dwelling is considered to result in demonstrable harm to the character and appearance of the site and surrounding area and overdevelopment of the site, an objection is raised in terms of potential impact highway safety and the necessary financial mitigation has not been secured in respect of the RAMS as discussed above. The proposed development is considered to be contrary to Policies CSTP22 PMD1, PMD2 and PMD9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance contained within the NPPF.

## 8.0 RECOMMENDATION

**REFUSE** for the following reasons:

1. The proposed dwelling, by reason of its layout, orientation, appearance and form would be out of keeping with the surrounding properties, its prominent positioning and layout on a contrived plot which would cause the loss of an area that contributes positively to the streetscene, would result in an incongruous form of development that would have a detrimental impact on the character and appearance of the site and the surrounding area. The proposal is therefore considered to conflict with Policies CSTP22 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.

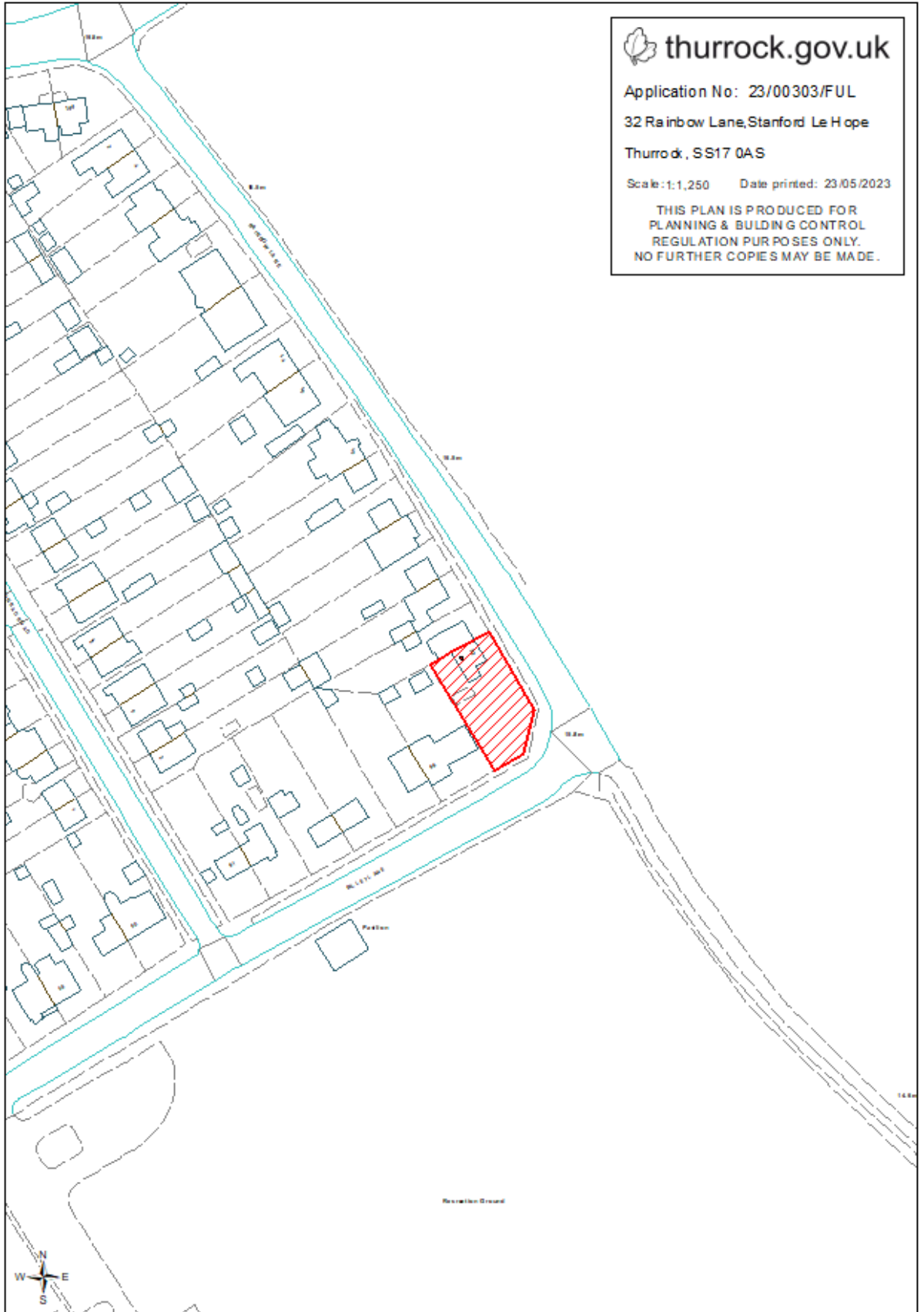
2. Due to its contrived design, limited private amenity space and concerns in relation to the layout and highway safety the proposed development is considered to result in overdevelopment of the site. The proposal is therefore considered to conflict with Policies CSTP22, PMD1 and PMD2 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
3. Insufficient information has been provided in order to assess the impact of the proposed development, on the free flow of traffic and highway safety contrary to Policy PDM9 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the guidance set out within National Planning Policy Framework 2021.
4. In the absence of a payment, or a completed legal agreement pursuant to Section 106 of the Town and Country Planning Act 1990, the necessary financial contribution towards Essex Coast Recreational disturbance Avoidance and Mitigation Strategy has not been secured. As a result, the development of two dwellings would have an adverse impact on the European designated nature conservation sites, contrary to Policy CSTP19 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015 and the National Planning Policy Framework 2021.

#### 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. However, the issues are so fundamental to the proposal that it has not been possible to negotiate a satisfactory way forward and due to the harm which has been clearly identified within the reason(s) for the refusal, approval has not been possible.

#### **Documents:**

All background documents including application forms, drawings and other supporting documentation relating to this application can be viewed online: <http://regs.thurrock.gov.uk/online-applications>



 **thurrock.gov.uk**

Application No: 23/00303/FUL  
32 Rainbow Lane, Stanford Le Hope  
Thurrock, SS17 0AS

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