

21 August 2008	ITEM No. 5
Planning Committee	
PLANNING APPEALS	
Portfolio Holder: Cllr Garry Hague, Strategic Planning & Regeneration	
Report Author: Andrew Millard, Head of Strategic Planning and Delivery	
Accountable Head of Service: Andrew Millard, Head of Strategic Planning and Delivery	
Accountable Director: Bill Newman, Director, Sustainable Communities	
Purpose: For Information	
Wards affected: All	Key decision: Not Applicable
This report is Public	

Comment [s]: **PLEASE CLICK THIS BOX ONCE and enter the date of the meeting (in font 16, not capitals)**

Comment [s]: **Please leave this for completion by Democratic Services**

Comment [s]: **PLEASE CLICK THIS BOX ONCE and enter the name of the Committee you are reporting to (in font 16, not capitals)**

Comment [s]: **PLEASE CLICK THIS BOX ONCE and enter the title of your report (in font 16 and in capitals)**

Comment [s]: **Please state the Cabinet Member and the Portfolio to which the report refers**

Comment [s]: **Briefly state the purpose of the report**

Comment [s]: **Name/All/None**

Comment [s]: **Yes/No/Not Applicable**

Comment [s]: **The recommendations should be set out in bold in the form of the decision that**

Comment [s]: **If used, this could briefly explain why the report is on the agenda. See para 5.3 of**

Comment [s]: **If used, this could briefly explain the factual and policy background. See para**

1. **RECOMMENDATIONS:**

1.1 To note the report.

2. **INTRODUCTION:**

2.1 This report advises the Committee of the number of appeals that have been lodged and the number of decisions that have been received in respect of planning appeals, together with dates of forthcoming inquiries and hearings.

3. **APPEALS LODGED:**

Reference No: 07/01152/OUT
 Officer: Nadia Houghton
 Address: St Pauls Church Mill Lane Aveley Essex
 Proposal: Outline application for layout and access for construction of 5 no 2 bedroom flats on one and two storeys plus associated parking, refuse and cycle stores.

Reference No: 07/01296/FUL
 Officer: Leigh Nicholson

Address: 76 Woodbrooke Way Corringham Essex
 Proposal: Change of use from A1 {retail} to A5 {hot food takeaway}.
 Reference No: Enforcement
 Officer: Catherine Blow
 Address: Fieldhouse Farm Baker Street Orsett Grays Essex
 Proposal: Erection of an extension to an out building without the benefit of planning permission.

4. APPEALS DECISION

4.1 The following appeal decisions have been received:

Reference No: 07/00653/FUL
 Officer: Nadia Houghton
 Address: Tremorgan Sandown Road
 Stanford Le Hope Essex
 Proposal: Conversion of existing garage to habitable dwelling
 Decision: Allowed

The Inspector determined that the proposed conversion of the existing detached garage at the rear of the garden at Tremorgan to a separate habitable dwelling was acceptable in Green Belt terms. The concerns relating the proposal were not solely the principle of the conversion but the associated activities, development and intensity of use, which would come about as a result of the conversion. Namely, a private garden area with all the familiar attributes associated with a private garden such as garden equipment, washing line, children's toys, possibly a garage and a parking area, potential front garden as well as windows, doors and facilities which may be required in any detached residential property in this location. However, the Inspector determined that the re-use of this building, with its modest increase in comings and goings, would not be likely to have a noticeable affect on the character of Sandown Road, the surrounding area or the Green Belt. The appeal was consequently allowed.

Comment [s]: **Other headings may be appropriate. The report should outline the reasoning that leads to its recommendations and must include:**

- 1. a brief summary of options considered;**
- 2. consultation outcomes**
- 3. a risk assessment.**
- 4. Whether the responsible cabinet members have been consulted/contributed to the report (NB professional and political advice must be clearly distinguished)**

- See para.5.5 of the report writing guidelines.

Reference No: 07/01235/OUT
Officer: Leigh Nicholson
Address: 110 Lodge Lane Grays Essex
Proposal: Outline application for two new, detached dwellings at the rear of 110 Lodge Lane
Decision: Dismissed

In dismissing the appeal the inspector considered the proposal to be in conflict with Local Plan Policy H11, stating that the proposed dwellings and associated access and hard-standing would comprise an alien form of built development, which would result in the loss of an important green space. The inspector, notwithstanding the appellant's case concluded the development would detract from the special character of the residential precinct.

Reference No: 07/00933/FUL
Officer: Catherine Blow
Address: 30 Clarence Road Grays Essex
Proposal: Change of use to A3 {restaurant} and A5 {take away} including construction of external extraction ducting system adjacent to 28 Clarence Road
Decision: Dismissed

The appeal premises, in use as a hairdressers, lies within a cluster of small retail units interspersed with dwelling houses. The Inspector considered that notwithstanding these businesses and proximity to the town centre the area remained essentially residential in character. These businesses are generally low key and operate primarily during the daytime. The inspector concluded that while noise generated within the premises could be controlled by means of planning conditions, noise and disturbance resulting from customers coming and going, both by car and by foot, could not. The takeaway would attract customers and generate activity at times when other commercial activity in the street had ceased and when local residents might reasonably expect to be able to enjoy peace and quiet. The proposal would materially

change the character of the area to the detriment of the residential environment and the living conditions of nearby residents.

Reference No: 07/00559/FUL
Officer: Leigh Nicholson
Address: 60 Tennyson Avenue Grays Essex
Proposal: Rear extension and loft conversion with rear dormer
Decision: Dismissed

In dismissing the appeal the inspector considered the first floor dormer to be a discordant feature in the streetscene, stating that the 'boxy' appearance coupled with its size makes the development incongruous in the context of the modest hipped roof of the original bungalow and single storey extension. The Inspector stated that 'good design is important even when it is not widely visible', and did not consider the limited benefit of screening from public vantage points to overcome the visual harm caused.

Reference No: 07/00907/FUL
Officer: Leigh Nicholson
Address: 10 Medick Court Grays Essex
Proposal: Proposed two bedroom end of terrace house
Decision: Dismissed

In dismissing the appeal, the inspector took the view that the degree of overlooking from No.10 would be severe resulting in an unacceptable lack of privacy to future occupiers. Notwithstanding the appellant's suggestion of planting, the Inspector considered the level of screening required to prevent overlooking would lead to a material loss of outlook and daylight to the proposed property. In concluding, the Inspector stated that the proposed dwelling would have materially detrimental effect on the living conditions of future occupiers with respect to privacy and would be in conflict with Local Plan Policy BE2.

5. PUBLIC INQUIRY AND HEARING DATES:

Reference No: 07/01021/FUL
 Officer: Leigh Nicholson
 Address: The Gables Ford Place South Road South Ockenden
 Essex
 Proposal: Two storey side extension
 Date: 14 October 2008
 Location: Committee Room 2 Civic Offices New Road Grays

Comment [s]: **The report should clearly state how the report would promote or fit in with approved Council policies - See para. 5.7 of the report writing guidelines**

Comment [s]: **To be completed by the FINANCE DEPARTMENT**

Comment [s]: **To be completed by the Diversity Dept.**
 - **Diversity & Equality**

Comment [s]: **As they apply:**
 - **Diversity and equality**
 - **Community safety**
 - **Welfare of children**
 - **Biodiversity and sustainability**

Comment [s]: **None/List and state location**

FINANCIAL IMPLICATIONS

(Prepared by: **Tim Madden, Head of Corporate Finance - 01375 652010**)
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There are no direct financial implications to this report.

LEGAL IMPLICATIONS

(Prepared by: **Baljit Bhandal, Senior Solicitor - 01375 652994**)
 e-mail: bbhandal@thurrock.gov.uk

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry. Most often, particularly following an inquiry, the parties involved will seek to recover from the other side their costs incurred in pursuing the appeal (known as 'an order as to costs' or 'award of costs').

DIVERSITY & EQUALITY IMPLICATIONS

(Prepared by: **Olayinka Omojokun 01375 65 2472**)
 e-mail: oomojokun@thurrock.gov.uk

There are no direct diversity implications to this report.

BACKGROUND PAPERS

File Numbers as above
 Support Services Department
 COII, Civic Offices, New Road, Grays

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