

18 December 2008	ITEM No. 5
Planning Committee	
PLANNING APPEALS	
Portfolio Holder: Councillor 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, 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:**

3.1 The following appeals have been lodged:

Reference No: 08/00647/Ful
 Officer: Leigh Nicholson
 Address: 60 Whitehall Lane Grays Essex
 Proposal: Demolition of existing bungalow and erection of a three storey block of six flats with associated parking and amenity area including part change of use of builders yard to the rear of no 60 Whitehall Lane to residential use.

4. APPEALS DECISION:

4.1 The following appeal decisions have been received:

Reference No: 08/00049/FUL
 Officer: Greg Sherlock
 Address: 14 Antelope Avenue Grays Essex
 Proposal: Single storey side extension, with front and rear projections and the removal and replacement of a 1800mm high brick wall
 Decision: Dismissed

The issue of the appeal was the single storey side extension at the property projecting past the rear of the neighbouring property in excess of 3.3m adjacent to the boundary with the neighbouring property. The Council's case was based on that such an extension would result in unacceptable overshadowing and overbearing of the neighbouring property, given its location due South of the affected property. The Inspector agreed with the Council and dismissed the appeal.

Reference No: 08/00179/FUL
 Officer: Greg Sherlock
 Address: 73 Drake Road Chafford Hundred Grays Essex
 Proposal: Boundary fence and dropped kerb
 Decision: Dismissed

The proposal sought to create a new vehicular access to Drake Road from the site. The Council refused planning permission for this as it was contrary to the intended design of the estate. The design limits the amount of vehicular accesses to and from Drake Road in order to maintain the free flow of traffic. The council found that any new access would jeopardise highway safety and would introduce an incongruous uncharacteristic design feature into the area. The Inspector agreed with the council and dismissed the appeal.

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: 07/01296/FUL
Officer: Leigh Nicholson
Address: 76 Woodbrooke Way Corringham Essex
Proposal: Change of use from A1 (Retail) to A5 (Hot Food Takeaway)
Decision: Dismissed

In dismissing the appeal the Inspector gave consideration to the long-term retail demand in the location and the noise and disturbance impacts of the development. In considering these issues, the Inspector concluded the proposal would not protect the vitality of the neighbourhood shopping parade, contrary to the objectives of Local Plan Policy SH11. The Inspector also took the view that a takeaway facility open to a late hour in a location surrounded by residential property would create unacceptable noise and disturbance to local residents at a late time in the evening when they could reasonably expect some peace and quiet.

Reference No: 07/01155/FUL
Officer: Leigh Nicholson
Address: Matura High Road Fobbing Essex
Proposal: Extension of residential curtilage
Decision: Dismissed

In dismissing the appeal the Inspector held that the extension of the residential curtilage would substantially change the character of the land by giving it a greater affinity with the built-up residential area than with the open countryside, into which it would encroach. The Inspector did not consider there to be any very special circumstances for the development in the Green Belt.

Reference No: 07/01165/FUL
Officer: Paul Clark
Address: Jarmarcar Gowers Lane Orsett Grays Essex
Proposal: Two new windows to flank wall.
Decision: Dismissed

This appeal related to the insertion of two windows in the flank elevation of a property in the course of construction. As originally submitted the planning application for the dwelling included two windows in this elevation. In response to concerns about the potential loss of privacy to the neighbouring property, which has a side facing bedroom window revised plans were submitted which deleted these windows. Planning permission was granted subject to a condition prohibiting the insertion of any additional windows in the flank elevation. The windows in question were then inserted in the course of construction. The inspector concluded that the first floor bathroom window would not result in undue overlooking subject to a condition requiring it to be obscure glazed. With regard to the ground floor window intended to serve a kitchen/dining room the Inspector concluded that it would result in too great a risk of overlooking and undue loss of privacy and/or too great a perception of this erosion of living conditions. The flank walls of the two properties are about 3.75 metres apart. This element of the appeal was dismissed.

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**

5. PUBLIC INQUIRY AND HEARING DATES:

Reference No: Enforcement

Officer: Consultant

Address: Bentons Farm Mollands Lane South Ockendon Essex

Proposal: (1) Without the benefit of planning permission change of use of the land for a depot for asbestos removal company, office, the parking of vehicles, trailer units and storage of other materials associated with asbestos removal company
(2) Open storage of scaffolding, building materials and other materials

Date: 6 & 7 January 2009

Location: Council Chamber Thurrock Council Civic Offices New Road Grays Essex

<p>FINANCIAL IMPLICATIONS</p> <p>There are no direct financial implications to this report.</p> <p>(Prepared by: Tim Madden, Head of Corporate Finance - 01375 652010 e-mail: tmadden@thurrock.gov.uk)</p>	
<p>LEGAL IMPLICATIONS</p> <p>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').</p> <p>(Prepared by: Baljit Bhandal, Senior Solicitor - 01375 652994 e-mail: bbhandal@thurrock.gov.uk)</p>	
<p>DIVERSITY & EQUALITY IMPLICATIONS</p> <p>There are no direct diversity implications to this report.</p> <p>(Prepared by: Olayinka Omojokun 01375 65 2472 e-mail: oomojokun@thurrock.gov.uk)</p>	
<p>BACKGROUND PAPERS</p> <p>File Numbers as above Support Services Department COII, Civic Offices, New Road, Grays</p>	<p>Report Author Contact Details: Name: Tara Appleby Telephone: 01375 652304 E-mail: tappleby@thurrock.gov.uk</p>

- 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**