

23 February 2017		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Leigh Nicholson, Development Management Team Leader		
Accountable Head of Service: Andy Millard, Head of Planning and Growth		
Accountable Director: Steve Cox, Director of Environment and Place		

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1.0 Recommendation(s)

1.1 To note the report

2.0 Introduction and Background

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.

3.0 Appeals Lodged:

3.1 Application No: 16/01311/HHA

Location: The Gables Brentwood Road Bulphan Essex

Proposal: Detached garage

3.2 Application No: 16/01270/HHA

Location: 55 Drake Road, Chafford Hundred

Proposal: First floor side and rear extension

3.3 Application No: 15/01423/HHA

Location: 13 Thames Close, Corringham

Proposal: Retrospective part two storey part single rear extension

3.4 Application No: 16/00992/FUL

Location: 3 Longley Mews, Grays Essex

Proposal: Proposed front extension and dormer to garage and subsequent conversion to self-contained annexe.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/00036/FUL

Location: Stables Adjacent 81 Love Lane Aveley Essex

Proposal: Removal of existing caravan and replacement with one bedroom mobile home for the applicant to live on site

Decision: Appeal Dismissed

Summary of decision:

4.1.1 The Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt;
- II. The effect of the development on the openness of the Green Belt; and
- III. If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.

4.1.2 In relation to (I), all parties agreed that the siting of the mobile home would be inappropriate development. The Inspector stated that 'great weight should be given to that harm'.

- 4.1.3 In relation to (II), the Inspector took the view that the development would give rise to conflict with paragraphs 79 of the NPPF and LDF CS Policy PMD6.
- 4.1.4 In relation to (III), the Inspector considered the appellant's case for the development but did not find there to be sufficient functional need to warrant the mobile home. The Inspector concluded that the matters raised by the appellant in support of the development did not outweigh the substantial harm to the Green Belt by reason of the inappropriateness of the development and the harm that would be caused to the Green Belt's openness. The Inspector accordingly dismissed the appeal.
- 4.1.5 The full appeal decision can be found [here](#)

4.2 Application No: 16/00057/FUL

Location: Five Acres, 66 Church Lane, Bulphan

Proposal: Retention of a 3 bedroom detached family annexe.

Decision: Appeal Dismissed

Summary of decision:

- 4.2.1 The Inspector considered the main issues to be:
- I. Whether the proposal would be inappropriate development in the Green Belt;
 - II. The effect of the development on the openness of the Green Belt; and
 - III. If the development would be inappropriate, whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify it.
- 4.2.2 In relation to (I), the Inspector carefully considered the exceptions set out in paragraph 89 of the NPPF however found that the development would not come within the scope of the exceptions listed. The Inspector concluded that the development would be inappropriate development in the Green Belt and held that 'great weight should be given to that harm'.
- 4.2.3 In relation to (II), the Inspector took the view that the development would have a 'poor appearance' and concluded that it would be harmful to the character and appearance of the area. The Inspector found the development to be in conflict with Policy PMD2, CSTP22 and paragraphs 57 and 61 of the NPPF.
- 4.2.4 In relation to (III), the Inspector considered the appellant's case but found there to be insufficient evidence to justify a departure from national and local planning policies. Accordingly the Inspector dismissed the appeal.
- 4.2.5 The full appeal decision can be found [here](#)

4.3 Application No: 16/00740/FUL

Location: Westfield, Recreation Avenue, Corringham

Proposal: Utilisation of garden shed/hobby room/garage for age dependant relative accommodation

Decision: Appeal Allowed

Summary of decision:

4.3.1 This appeal related to conditions (2&3) imposed upon planning consent granted under 16/00740/FUL for the 'utilisation of garden shed/hobby room/garage for age dependant relative accommodation'.

4.3.2 The conditions in dispute concern the restriction of the annexe's occupation to the appellants mother (condition 2) and the requirement to remove the fencing separating the annexe from Westfield when the annexe ceases to be occupied by the appellant's mother (condition 3).

4.3.3 In allowing the appeal, the Inspector took the view that condition 2 should be deleted and replaced by a re-worded condition that would allow the annexe to be occupied as ancillary accommodation to Westfield. In relation to condition 3, the Inspector took the view that the fencing was discrete and its long term retention would not harm the character and appearance of the area.

4.3.4 The full appeal decision can be found [here](#)

4.4 Application No: 16/00420/HHA

Location: 24 Davis Road Chafford Hundred Grays

Proposal: Retrospective application for a 2m metal fence be erected around the drive to protect the car.

Decision: Appeal Dismissed

Summary of decision:

4.4.1 The Inspector considered the main issue to be the effect of the development upon the character and appearance of the surrounding area.

4.4.2 The Inspector found the fencing to be unsightly in appearance, prominent and incongruous. The Inspector concluded that the development conflicted with the aims and requirements of LDF CS policies PMD2 and CSTP22 and accordingly dismissed the appeal.

4.4.3 The full appeal decision can be found [here](#)

4.5 Application No: 16/00448/HHA

Location: 487 London Road South Stifford
Proposal: Front boundary wall, with a maximum height of 1.8m
(retrospective planning application)

Decision: Appeal Dismissed

Summary of decision:

- 4.5.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the surrounding area.
- 4.5.2 In dismissing the appeal, the Inspector noted the Council's concerns in relation to the height, design and appearance of the wall and agreed that the development would be harmful to the character and appearance of the area and would not accord with the aims of LDF CS policies PMD2 and CSTP22.
- 4.5.3 The full appeal decision can be found [here](#)

4.6 **Application No: 16/01110/FUL**

Location: 92 Thames Crescent Corringham
Proposal: First floor extension into existing loft space including extending front existing dormer and rear flat roof dormers and insertion of new first floor side window

Decision: Appeal Allowed

Summary of decision:

- 4.6.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of both the host dwelling and the surrounding area.
- 4.6.2 The Inspector observed a number of other similar developments in the location and whilst the Inspector agreed with the Council's concerns in relation to the size of the dormer, it was considered that the development would not be harmful to the character and appearance of either the host dwelling or the wider area.
- 4.6.3 The full appeal decision can be found [here](#)

4.7 **Application No: 16/00963/HHA**

Location: 27 Fleming Road, Chafford Hundred
Proposal: Retention of rear garden shed

Decision: Appeal Allowed

Summary of decision:

- 4.7.1 The Inspector considered the main issue to be the effect of the development upon the living conditions of neighbouring occupiers, with particular regard to those at No.12 Francisco Close.
- 4.7.2 The Council's primary concern was that the development would give rise to a loss of light to the ground floor windows of No.12. The Inspector found there to be a small degree of overshadowing consequent from the structures height, but took the view that the building does not cause any serious or unacceptable effects in terms of a consequential loss of light to No.12's rear conservatory.
- 4.7.3 The full appeal decision can be found [here](#)

4.8 Application No: 16/00884/HHA

Location: 31 Chantry Crescent, Stanford Le Hope

Proposal: Rear extension, roof height alterations including rear facing dormers. Juliet balcony on the second floor. New ground floor basement room with raised patio area. New front porch and front wall.

Decision: Appeal Dismissed

Summary of decision:

- 4.8.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal dwelling and the street scene.
- 4.8.2 The Inspector took the view that the development would appear excessive relative to the original house and the increased height and bulk would appear incongruous and visually intrusive in its context. The Inspector concluded that the development would be unacceptably harmful to the character and appearance of the appeal dwelling and the street scene and would conflict with the design aims of LDF CS policies PMD2 and CSTP22.
- 4.8.3 The full appeal decision can be found [here](#)

4.9 Application No: 16/01241/HHA

Location: 31 Chantry Crescent, Stanford Le Hope

Proposal: Rear extension, roof height alterations including rear facing dormers. Juliet balcony on the second floor. New ground floor basement room with raised patio area. New front porch and front wall.

Decision: Appeal Dismissed

- 4.9.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal dwelling and the street scene.
- 4.9.2 As with the proposal submitted under 16/00884/HHA, the depth and width of the proposed rear extension and the creation of rooms in the roof space would result in a material increase in the height of the building. In this case, the roof proposed would have been ‘slacker’ than in the earlier proposal however the development was still considered to be excessive relative to the original house. The Inspector found the development to be unacceptable and in conflict with LDF CS policies PMD2 and CSTP22.
- 4.9.3 The full appeal decision can be found [here](#)

5.0 Forthcoming public inquiry and hearing dates:

- 5.1 The following inquiry and hearing dates have been arranged:
- 5.2 None.

6.0 APPEAL PERFORMANCE:

6.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	2	4	0	0	4	1	3	1	0	9	0	29
No Allowed	2	0	0	0	0	4	1	1	1	0	0	0	12
% Allowed													41%

7.0 Consultation (including overview and scrutiny, if applicable)

7.1 N/A

8.0 Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

9.0 Implications

9.1 **Financial**

Implications verified by: **Sean Clark**
Head of Corporate Finance

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Vivien Williams**
Principal Regeneration Solicitor

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').

9.3 Diversity and Equality

Implications verified by: **Rebecca Price**
Community Development Officer

There are no direct diversity implications to this report.

9.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

10. Background papers used in preparing the report (including their location on the Council's website or identification whether any are exempt or protected by copyright):

- All background documents including application forms, drawings and other supporting documentation can be viewed online: www.thurrock.gov.uk/planning. The planning enforcement files are not public documents and should not be disclosed to the public.

11. Appendices to the report

- None

Report Author:

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