

27th July 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, Assistant Director - 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:** 17/00061/HHA

Location: 9 Palmerston Road, South Stifford, Grays

Proposal: Two storey side extension.

- 3.2 **Application No: 16/01627/HHA**
Location: 2 Cherry Down, Grays
Proposal: Double storey side extension.
- 3.3 **Application No: 16/01683/HHA**
Location: 50 Crofton Road, Grays
Proposal: Retrospective application for reconfiguration of front dormers from approved application 16/00153/HHA.
- 3.4 **Application No: 16/00593/FUL**
Location: Church Road, Rigby Gardens, Chadwell St Mary
Proposal: Demolition of the existing pre fabricated concrete church hall and the construction of 4 three bedroom and 2 two bedroom houses with associated parking and landscaping
- 3.5 **Application No: 15/01348/OUT**
Location: 2 Hill Cottages, Stifford Hill, North Stifford, Grays
Proposal: Replace existing building with new single storey bungalow to rear of plot. With separate access and dividing wall to separate plots.
- 3.6 **Application No: 17/00067/FUL**
Location: Cameo Cards, 17 Grover Walk, Corringham, SS17 7LP
Proposal: Change of use from A1 to A3
- 3.7 **Application No: 17/00113/HHA**
Location: 9 Marie Close Corringham Essex SS17 9EX
Proposal: Erection of outbuilding.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/01653/HHA

Location: 6 Marram Court, Grays, Essex ,RM17 6UA

Proposal: Single/double storey side extension.

Decision: Appeal Allowed

Summary of decision:

- 4.1.1 This application was rejected by the Council because the proposal failed to comply with the criteria within Annexe A1 of the Thurrock Local Plan 1997 by virtue of the scale, width, design and siting of the extension close to the boundary.
- 4.1.2 In determining the appeal the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the surrounding area.
- 4.1.3 The Inspector noted that the proposal was in conflict with Annexe A1 but also observed other similar extensions in the location which weighed in favour of the proposal. The Inspector took the view that there was sufficient space to the side and around the property to make the development acceptable.
- 4.1.4 The full appeal decision can be found [here](#)

4.2 Application No: 17/00042/HHA

Location: 15 Bromley Grays Essex RM17 6LE

Proposal: 2.2m piers with 2m wall dropping down to 1m wall.

Decision: Appeal Allowed

Summary of decision:

- 4.2.1 This application was rejected by the Council because the proposal was considered to have an unacceptable impact on the streetscene by reason of the height, material and proximity of the wall to the junction.
- 4.2.2 In determining the appeal the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the surrounding area.

4.2.3 The Inspector considered the development in relation with its surroundings and concluded that the walls and piers fit comfortably with the character of the streetscene. The Inspector found the design to be neither intrusive nor dominant. The Inspector went on to allow the appeal.

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

4.3 Application No: 16/01731/HHA

Location: 1 Anne Heart Close, Chafford Hundred

Proposal: Proposed loft conversion with a pitched roof rear dormer and roof windows to the front and rear elevations.

Decision: Appeal Dismissed

Summary of decision:

4.3.1 This application was rejected by the Council because of the scale, mass and design of the dormer which would uncharacteristic and harmful to the character and appearance of the property and wider area.

4.3.2 In determining the appeal the Inspector considered the main issues to be the effect of the proposal on the character and appearance of the host property and wider area.

4.3.3 The Inspector concurred with the Council and took the view that the proposed dormer would dominate the rear roof elevation and unbalance the roof profile of the terrace. The Inspector also noted that the dormer would be highly visible from Anne Heart Close and Lancaster Road. The Inspector noted other extensions in the area but ruled that “the presence of harmful development elsewhere is not necessarily a good reason to allow similar development”. The Inspector went on to dismiss the appeal.

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

4.4 Application No: 16/00635/FUL

Location: Oddsit Licenced Bookmakers, 587 - 589 London Road, West Thurrock, RM20 4AR

Proposal: Erection of a new mixed-use building comprising ground floor retail A1 shop unit with a separate self-contained 2-bed flat on the upper floors (amended application following 15/00449/FUL) incorporating a first floor roof terrace

Decision: Appeal Allowed

Summary of decision:

- 4.4.1 This application was rejected by the Council because the applicant could not provide and control adequate access to the parking spaces to the rear of the site.
- 4.4.2 In determining the appeal the Inspector considered the main issue to be the effect of the development on highway safety.
- 4.4.3 The Inspector considered the Council's concerns and those raised by interested parties but found the parking provision available on site to be acceptable and accessible. The Inspector gave the Council's concerns over land ownership very little weight. The Inspector went on to allow the appeal subject to planning conditions.
- 4.4.4 The full appeal decision can be found [here](#)

4.5 Application No: 15/00643/FUL

Location: The Bricklayers Arms, Bridge Road, Grays, RM17 6BZ

Proposal: Conversion and extension of existing public house into 15 one bedroom flats

Decision: Appeal Dismissed

Summary of decision:

- 4.5.1 This application was rejected by the Council's Planning Committee because the applicant had not provided sufficient evidence to demonstrate that the public house was appropriately marketed since it became vacant. The loss of the community facility would be in conflict with Policy CSTP10.
- 4.5.2 In determining the appeal the Inspector considered the main issue to be whether the proposal would result in the loss of an important community facility in the area.
- 4.5.3 During the appeal hearing the Inspector considered the applicants case, the Council's objections and third party representations. The Inspector concluded that the public house represents an important community facility and there was insufficient marketing evidence to demonstrate a lack of demand for a public house in this location and to indicate that its continued use as a public house would be unviable. The Inspector accordingly dismissed the appeal.
- 4.5.4 The full appeal decision can be found [here](#)

4.6 Application No: 16/00271/FUL

Location: Barn to North East Of St Cleres Hall, Stanford Road,
Stanford Le Hope, SS17 0LX

Proposal: Demolition of existing car storage building and erection of
a residential terrace of 5no. three bedroom dwellings

Decision: Appeal Allowed

Summary of decision:

4.6.1 This application was rejected by the Council's Planning Committee because the proposal would reduce the size of the rear gardens for plot 1-5 from the sizes which were previously approved.

4.6.2 In determining the appeal the Inspector considered the main issues to be:

- I. Whether the proposal would be inappropriate development in the Green Belt;
- II. The effect on the openness of the Green Belt; and
- III. On the living conditions of the future occupiers of the plots 1-5 and the development itself with particular regard to garden size.

4.6.3 In relation to (I), it was common ground between the main parties that the site is previously developed land. It followed that in order to determine whether the proposal would be inappropriate development or not it was necessary to consider whether or not the proposal would have a greater impact on openness than the existing building.

4.6.4 In relation to (ii), the Inspector concluded that the development would have a beneficial effect on the openness of the Green Belt when compared to the current situation. Consequently, the redevelopment would not be inappropriate development.

4.6.5 In relation to (III), the Inspector recognised that the development would result in a reduction in the previously approved gardens for plots 1-5. The Inspector also noted that the garden areas proposed would fall below the standards set out in Annex 1. However, the Inspector took the view that the rear garden areas would be 'sufficient to meet the reasonable expectations of the occupiers of these properties'. The Inspector accordingly allowed the appeal.

4.6.6 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	2	2	6										10
No Allowed	0	2	4										6
% Allowed													60%

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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