

8th February 2018		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, Transportation and Public Protection.		
Accountable Director: Steve Cox, Director of 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: 15/01354/OUT
- Location: Land Part of Little Thurrock Marshes, Thurrock Park Way, Tilbury
- Proposal: Application for outline planning permission (with details of landscaping, scale and appearance reserved) for the development of 13.36 ha of land to provide up to 280 residential units, a 250 sq.m. community facility (Use

Class D1) and 1,810 sq.m. of commercial floorspace (Use Class B2/B8) with associated landscape, flood improvement and access works.

- 3.2 Application No: 17/00837/HHA
Location: 55 Lennox Close, Chafford Hundred
Proposal: Loft conversion with rear dormer and roof lights on the front elevation
- 3.3 Application No: 17/00882/FUL
Location: 1 Fairview Avenue, Stanford Le Hope
Proposal: Erection of detached dwelling
- 3.4 Application No: 17/00422/FUL
Location: 13 Crouch Road, Chadwell St Mary
Proposal: Construction of a block of flats consisting of 2no. bedsits, 1no. two-bedroom flat and 1no. three-bedroom flat.
- 3.5 Application No: 17/00705/FUL
Location: 2 St James Avenue East, Stanford Le Hope
Proposal: Demolition of garage and erection of 2 bedroom bungalow on land rear of 2 St James Avenue East
- 3.6 Application No: 17/01154/HHA
Location: Wychem, Rectory Road, Orsett
Proposal: Single storey rear extensions, first floor rear balcony, one front dormer and cover roof to front entrance

- 3.7 Application No: 17/00047/BUNWKS
Location: 28 Bata Avenue, East Tilbury
Breach: Installation of UPVC Windows without the benefit of Planning Permission (the property is listed)
- 3.8 Application No: 17/01137/HHA
Location: 215 Southend Road, Stanford Le Hope
Proposal: Retrospective - replace existing boundary / driveway entrance wall with new wall blockwork and rendered
- 3.9 Application No: 17/00120/LBC
Location: 26 Bata Avenue, East Tilbury
Proposal: Replacement of timber windows with UPVC double glazed windows
- 3.10 Application No: 17/00739/ADV
Location: Land South Of Hovels Farm, Southend Road
Proposal: Retention of a V-shaped board featuring 2 x fascia signs

4.0 Appeals Decisions:

The following appeal decisions have been received:

- 4.1 **Application No: 17/00874/HHA**
Location: 11 King George Vi Avenue, East Tilbury
Proposal: Two storey side extension with front porch and new style of windows to existing house and extension.
Decision: Appeal Dismissed

4.1.2 The Inspector considered the main issues to be the effect of the appeal development on the character and appearance of the appeal property and the East Tilbury Conservation Area.

4.1.3 The Inspector took the view that to grant permission would undermine the original architecture and uniformity of this and other buildings in The Avenues area and therefore the appearance of the Conservation Area. The Inspector found the development to conflict with CS policies PMD4, CSTP24, CSTP22, PM2 and core planning principles of the NPPF.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 16/00023/CUSE

Location: Storage Yard, Blockhouse Road, Grays

Breach: Without the benefit of planning permission the material change of use of the land from commercial storage to land for residential use, including the stationing of a mobile home, the entrance gates, walls, hard standing/surface, and the associated parking of motor vehicles on the land.

Decision: Appeal Dismissed / Enforcement Notice upheld with variations

4.2.1 The Inspector considered the main issues to be:

- i. The implications that the development would have for the maintenance of high and stable levels of economic and employment growth in the area and;
- ii. Whether there would be any unacceptable effect upon the amenities of neighbouring occupants or future occupants of the site with particular regard to noise disturbance and;
- iii. The effect that the development would have on the character and appearance of the surrounding area.

4.2.2 In relation to (i), the Inspector noted that the site has no specific land classification on the Proposal Map accompanying the LDF Core Strategy. The Inspector found no clear conflict with Policy CSTP6.

4.2.3 In relation to (ii), the Inspector raised concern to the relationship between the appeal site and the adjacent industrial / commercial uses, and took the view that there would be an unacceptable effect upon the amenities of future occupants of the mobile home.

4.2.4 In relation to (iii), the Inspector found the mobile home to be entirely incongruous and out of keeping with the surroundings. The Inspector took the

Inspector concluded that the design of the development failed to respond to the character of the surrounding area and local context.

4.2.5 The Inspector found it necessary to vary the Enforcement Notice to remove the requirement placed upon the land owner to remove the gates and hardstanding. The Inspector also found it necessary to vary the compliance period, increasing the period for compliance from 3 months as originally drafted to 6 months. With these variations, the Inspector upheld the Enforcement Notice and dismissed the appeal.

4.2.2 The full appeal decision can be found online.

4.3 **Application No: 17/00129/FUL**

Location: Land Adjacent 23 St Teresa Walk, Chadwell St Mary

Proposal: 2 New 3 bedroom dwellings with 4 associated car parking spaces.

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be:

- i. The effect of the proposal on the character and appearance of the area;
- ii. The effect of the proposal on the living conditions of the occupiers of No's 21 and 23 St Teresa Walk, No 27 St Marys Road and No 1 Philippa Way in relation to outlook and privacy; and
- iii. Whether the proposed dwellings would provide acceptable living conditions for future occupiers in relation to external amenity space.

4.3.2 In relation to (i), the Inspector took the view that a pair of semidetached dwellings in this location would not significantly harm the character and appearance of the area, provided that sufficient amenity space could be provided.

4.3.3 In relation to (ii), the Inspector took the view that the development would result in an undue loss of privacy for the occupiers of No.1 Philippa Way and No.27 St Marys Road because of the orientation of the windows in the proposed dwellings.

4.3.4 In relation to (iii), the Inspector took the view that the dwellings would not provide acceptable living conditions for future occupiers in relation to external amenity space and this would conflict with CS policies PMD1 and PMD2.

4.3.5 In dismissing the appeal the Inspector concluded that whilst the development would tidy up a disused, overgrown site in a built, owing to the deficiencies of the scheme, the appeal should be dismissed.

5.0 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

Application No: 15/01354/OUT

Location: Land Part Of Little Thurrock Marshes, Thurrock Park Way, Tilbury

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Date: 15th – 18th May 2018

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	5	8	1	0	2	0	3			29
No Allowed	0	2	4	1	0	0	0	0	0	0			7
% Allowed													24%

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: **Neil Weeks**
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:

Leigh Nicholson

Development Management Team Leader