

26 April 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 Assistant Director: 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: 17/01639/HHA
Location: 72 Fullarton Crescent, South Ockendon
Proposal: Two storey side extension.

3.2 Application No: 17/01182/HHA
Location: 109 Lodge Lane, Grays
Proposal: Vehicle crossing over pedestrian footway.

3.3 Application No: 17/01546/HHA
Location: Fen Cottage, Fen Lane, Orsett,
Proposal: Raise the roof of dwelling with front and rear dormers on the north and south elevations to provide first floor accommodation.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 **Application No: 17/01154/HHA**
Location: Wychelm, Rectory Road, Orsett
Proposal: Single storey rear extensions, first floor rear balcony, one front dormer and cover roof to front entrance

Decision: Appeal Allowed

4.1.1 The appeal related to two small rear extensions one with a balcony, cover roof to front entrance and a front dormer. The main issue in this case is the effect of the proposal on the living conditions of the occupiers of the next door property, Durley, with particular regard to privacy. The application drawings indicated a 2m high screen on the side of the balcony that would project beyond the line of balustrades that would be set in from the rear wall of the extension. This arrangement, the Inspector commented, would make it very difficult for users of the balcony to overlook the area immediately to the rear of Durley. In addition the garage close to the boundary would restrict the extent of views over the rear garden of Durley.⁵ For these reasons the Inspector was satisfied that the proposal would not have unacceptable effects on the living conditions of occupiers of Durley and the Inspector allowed the appeal.

4.1.2 The full appeal decision can be found online.

4.2 Application No: 17/01137/HHA

Location: 215 Southend Road, Stanford Le Hope

Proposal: Retrospective - replace existing boundary / driveway entrance wall with new blockwork and rendered wall

Decision: Appeal Allowed

4.2.1 This appeal sought retrospective permission for the erection of a replacement wall. The main issues related to the effect the wall has on the character and appearance of the property and the area; and whether any identified harm may be outweighed by any benefits of the development. Overall, the Inspector concluded that the design of the walls is in keeping with the host property, their height is in keeping with the tall enclosures at adjoining property, and their benefit in providing partial screening of unsightly storage outweighs the loss of openness. The development was subsequently determined not to be in conflict with the development plan and the appeal was allowed.

4.2.2 The full appeal decision can be found online.

4.3 Application No: 17/00739/ADV

Location: Land South Of Hovels Farm, Southend Road, Corringham

Proposal: Retention of a V-shaped board featuring 2 x fascia signs

Decision: Appeal Dismissed

4.3.1 This appeal related to an advertisement consent sought for a V shaped board featuring two fascia of sizes 22' x 10' and 16' x 8' display area, built on a timber structure featuring 8" x 3" posts and a wooden sub frame. The advertising boards were already installed and in use. The Inspector commented that the signs represent significant visual clutter in the open countryside that markedly diminishes amenity for passers-by and local residents. The Inspector stated that no design changes by means of a condition could mitigate for the harm to amenity. The Inspector concluded that the signage conflicted with Policies PMD2 and CSTP22 of the Thurrock Core Strategy which seek to protect amenity and dismissed the appeal. Enforcement action will follow if the advertisements are not removed.

4.3.2 The full appeal decision can be found online.

4.4 Application No: 17/01041/HHA

Location: 97 Kingsman Road, Stanford Le Hope

Proposal: Retention of garage with canopy.

Decision: Appeal Dismissed

4.4.1 This appeal related to retrospective permission for the erection of a garage which has already been constructed. The Inspector considered the main issue is the effect of the proposal on the character and appearance of the appeal site and surrounding area; and, related to this, on the living conditions of nearby residents, with regard to outlook. The Inspector commented that the garage was particularly prominent in views to the rear of the terrace due to its depth and the height of the dual pitch roof and context of the scale of other outbuildings. The Inspector concluded that the garage has an unacceptably harmful effect on the character and appearance of the appeal site and surrounding area; and, related to this, on the living conditions of nearby residents, with regard to outlook contrary to Policy PMD1 of the Council's Core Strategy and Policies for Management of Development and the National Planning Policy Framework. Enforcement action will follow.

4.4.2 The full appeal decision can be found online.

4.5 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.

Decision: Appeal Dismissed

4.5.1 The appeal related to the proposed construction of a block of flats consisting of 2x bedsits, 1x 2 bedroom flat and 1x 3 bedroom flat. The main issues in this case were the effect of the block of flats on (a) the character and appearance of the area and (b) the living conditions of existing occupiers with particular regard to outlook, daylight and sunlight. The Inspector considered that the mass, design and scale of the proposal would clash awkwardly with the existing buildings. In particular the shape of the roof combined with the large fenestration would make the building appear clumsy and the fourth storey would draw attention to the building and appearance incongruous within the street scene of the locality. The Inspector also commented that no 13 would be obstructed by an imposing building of significant height and the effect would be overbearing and result in substantial harm to outlook. In dismissing the appeal, the Inspector concluded that the proposal would have a harmful effect on the character and appearance of the area and it would be

in conflict with policies SCTP22, CSTP23 and PMD2 of the Thurrock Core Strategy. The Inspector also concluded that the proposal would be in conflict with CS Policy PMD1 and would be in conflict with the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing occupiers of land and buildings.

4.5.2 The full appeal decision can be found online.

4.6 **Application No: 17/00120/LBC**

Location: 26 Bata Avenue, East Tilbury

Proposal: Replacement of timber windows with UPVC double glazed windows.

Decision: Appeal Dismissed

4.6.1 This Listed Buildings Consent appeal related to the replacement of rot affected timber windows with uPVC double glazed windows installed without Listed Buildings Consent and investigated by the Council's Enforcement Team. The Inspector concluded that the replacement windows detract from the architectural character of the building and fail to preserve or enhance the character or appearance of the East Tilbury Conservation Area. The Inspector agreed with the Council that the installation conflicts with the heritage protection objectives of policies PMD2 and PMD4 of the Thurrock Local Development Framework of 2015 and dismissed the appeal. Enforcement action will now follow.

4.6.2 The full appeal decision can be found online.

5.0 **Forthcoming public inquiry and hearing dates:**

5.1 **Application No: 15/01354/OUT**

Location: Land Part of Little Thurrock Marshes, Thurrock Park Way

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.

Dates: 15-18 May (Public Inquiry)

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	2	4	35
No Allowed	0	2	4	1	0	0	0	0	0	0	1	2	10
% Allowed													28.5%

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**
Director of Finance & IT

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration) and
Deputy Monitoring Officer

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

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