

10 January 2019		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Leigh Nicholson, Strategic Lead - Development Services		
Accountable Assistant Director: Andy Millard, Assistant Director – Planning, Transportation and Public Protection.		
Accountable Director: Steve Cox, Corporate Director – 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:** 18/00601/FUL

Location: 45 Turnstone Close, East Tilbury

Proposal: Realignment of 1.8 metre high timber fence on the edge of the property (change of use of land)

- 3.2 **Application No: 18/00625/FUL**
Location: 14 Abbotts Drive, Stanford Le Hope
Proposal: New attached dwelling house, extension of dropped kerb and laying of hard standing.
- 3.3 **Application No: 18/01066/HHA**
Location: 97 Hogg Lane, Grays
Proposal: Single storey rear extension and loft conversion with front and rear dormers.
- 3.4 **Application No: 18/00426/HHA**
Location: Summerville, Fort William Road, Corringham
Proposal: Retrospective - Erect a garden wall and gates at the entrance to drive
- 3.5 **Application No: 17/01368/FUL**
Location: The Barn, Sir Henry Gurnett, Romford Road, Aveley
Proposal: Conversion and extension of former storage barn to form function space.
- 3.6 **Application No: 17/01369/LBC**
Location: The Barn, Sir Henry Gurnett, Romford Road, Aveley
Proposal: Conversion and extension of former storage barn to form function space.
- 3.7 **Application No: 17/01446/FUL**
Location: The Kings Head, The Green, West Tilbury
Proposal: Change of use of a listed building formerly used as a Public House (A4) to a single 4-bedroom residential dwelling (C3) , including the removal of the recent toilet block extension and redundant outbuildings/sheds and the creation of a new garage as well as associated

changes to the hard and soft landscaping (refer to 17/01447/LBC)

3.8 Application No: 18/01136/HHA

Location: 2 Marie Close, Corringham

Proposal: Retention of roof canopy to existing pool plant room.

3.9 Application No: 18/01059/HHA

Location: 56 Halt Drive, Linford

Proposal: Two storey side extension and 1.8m high boundary wall.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/01158/FUL

Location: 1 Alfred Road, Aveley

Proposal: Subdivision of site and construction of attached two bedroom house.

Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be the impact of the proposed development on the character and appearance of the street scene, the impact of the proposed development on the living conditions of the occupiers of the existing building with particular regard to private amenity space and whether the proposal would make adequate provision for off-road parking and the effect of any lack of provision on highway safety and efficiency.

4.1.2 The Inspector took the view that the reduced rear private amenity space would not be acceptable, that the proposed development would dominate the area and that it would harm the character and appearance of the street scene and wider area. Given that the shortfall of off-street parking was found to be one car only, the degree of harm to highways safety and efficiency was considered to be limited.

4.1.3 The full appeal decision can be found online.

4.2 Application No: 18/00186/CV

Location: Hazelmere, Orsett Road, Horndon On The Hill

Proposal: Application for the variation of condition no 8 (Removal of Permitted Development Rights) of planning permission ref 17/00402/FUL (Demolition of existing garage and out building, construction of new dwelling)

Decision: Appeal Dismissed

4.2.1 The Inspector considered the main issue was whether the removal of Classes A-E Permitted Development rights was reasonable and necessary in the interests of both safeguarding the character of the area, with particular regard to its Green Belt location, and protecting the living conditions of neighbouring occupiers.

4.2.2 The Inspector found that Condition 8 served a particular planning purpose and that removing Classes A-E for both dwellings would allow for additional development potentially impacting on the Green Belt's openness which would be in material conflict with Core Strategy Policies PMD1, PMD2 and PMD6.

4.2.3 The full appeal decision can be found online.

4.3 Application No: 18/00474/OUT

Location: Hill Cottages, Stifford Hill, North Stifford

Proposal: Replace existing building with new single storey bungalow to rear of plot to exact footprint and size of existing building. Sharing existing access and dividing wall to separate plots.

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issue to be whether the proposal would be inappropriate development in the Green Belt and whether the proposal would result in any other harm and if so would it clearly be outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4.3.2 The matters put forward were considered, but even when taken together the Inspector found that they did not constitute the very special circumstances needed to outweigh the harm from inappropriate development and the impact on the Green Belt's openness.

4.3.3 The full appeal decision can be found online.

4.4 Application No: 17/01594/FUL

Location: Costcutter, 43 - 47 St Johns Way, Corringham

Proposal: Part change of use from A1 to A3 and A5 use

Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue to be the effect of the proposal on the vitality and viability of the town centre. The Inspector noted that the application was contrary to both 'saved' Policy SH10 of the 1997 Local Plan and Policies CSTP7 and CSTP8 of the Core Strategy (in respect of SH10 he noted the "age of the policy and the appellant's concerns about its inflexibility" but considered it relevant and appropriate to the determination of the appeal).

4.4.2 The Inspector considered the appellant's comments about a mixture of uses, the potential fall-back position, the changing nature of the shopping environment nationally and the (limited) marketing carried out by the appellant. On the basis of the appeal before him he found it had not been adequately demonstrated that there was no long-term demand for the appeal property as an A1 unit and he concluded that the proposed development would not maintain the vitality and viability of the town centre. The appeal was accordingly dismissed.

4.4.3 The full appeal decision can be found online.

4.5 Application No: 18/00005/FUL

Location: 3 Lenthall Avenue, Grays

Proposal: Proposed Two-Bedroom House at the Land Adjacent to 3 Lenthall Avenue.

Decision: Appeal Dismissed

4.5.1 The Inspector considered main issues in this appeal to be:

- 1) The proposal's effect on the character and appearance of the area;
- 2) The effect on the living conditions of neighbouring occupiers, with particular regard to overshadowing; and
- 3) The effect on highway safety

4.5.2 In respect of 1, the Inspector found the recessed design would be subordinate to the attached dwelling, but the substantial width countered the subordinate setback, that the substantial width mass and bulk would

make the proposed dwelling appear noticeably at odds with the prevailing pattern of development and that the loss of the gap between the site and the adjacent site would be harmful to the character and appearance of the street scene contrary to Policies PMD1, PMD2 and CSTP22 of the Core Strategy.

4.5.3 Regarding matter 2, the Inspector did not find the proposal would be harmful of neighbour amenity and relating to matter 3; the Inspector found the level of parking acceptable given the lack of restrictions on Lenthall Avenue and the spare capacity he observed at the time of his site visit. Nonetheless, in relation to character and appearance matters the Inspector found the proposal unacceptable.

4.5.4 The full appeal decision can be found online.

5.0 Forthcoming public inquiry and hearing dates:

5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD

Location: Hovels Farm, Vange Park Road

Proposal: Unauthorised use of the land.

Dates: 18 June 2019

5.2 Application No: 18/00082/FUL

Location: Malgraves Meadow, Lower Dunton Road, Horndon On The Hill

Proposal: Retention of the existing single storey timber building for use in association with agricultural enterprise at the farm. Removal of flue on roof, removal of biomass burner boiler and associated plumbing and modification of the building front elevation.

Dates: To be confirmed

5.3 Application No: 18/00034/BUNWKS

Location: Police Station, Gordon Road, Corringham

Proposal: Unauthorised works without the benefit of planning permission.

Dates: To be confirmed

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	0	4	2	0	2	3	5					16
No Allowed	0	0	0	1	0	1	1	0					3
% Allowed													14.2%

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: **Laura Last**
Management Accountant

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: **Natalie Warren**
**Strategic Lead Community Development
and Equalities**

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