

21 March 2019		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: N/A	
Report of: Leigh Nicholson, Strategic Lead of Development Services		
Accountable Assistant Director: Andy Millard, Assistant Director of Planning, Transportation and Public Protection.		
Accountable Director: Steve Cox, Corporate Director of Place		

Executive Summary

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

1. Recommendation(s)

1.1 To note the report

2. 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. Appeals Lodged:

3.1 Application No: 18/01178/HHA

Location: 16 Rowley Road, Orsett

Proposal: Retrospective application for fence with concrete posts

3.2 Application No: 18/01050/HHA

Location: Lyndfield, Orsett Road, Horndon On The Hill

Proposal: First floor side extension

3.3 Application No: 18/01057/HHA

- Location:** 33 Windsor Avenue, Grays
- Proposal:** Double storey rear and side extension and loft conversion with rear dormer and four front roof lights
- 3.4 **Application No:** **18/01513/HHA**
- Location:** 1 Syringa Court, Grays
- Proposal:** Single storey part side and part rear extension
- 3.5 **Application No:** **18/00864/FUL**
- Location:** 18 Melba Gardens, Tilbury
- Proposal:** Single storey detached bungalow, associated hardstanding, boundary fence, bin store and new vehicular access to existing dwelling.
- 3.6 **Application No:** **18/01257/FUL**
- Location:** Old Bank, The Green, Stanford Le Hope
- Proposal:** Conversion from disused bank (use class A2) on part of the ground floor to 2 x two bedroom flats (use class C3)
- 3.7 **Application No:** **18/01313/FUL**
- Location:** Tamarisk, Third Avenue, Stanford Le Hope
- Proposal:** Conversion of detached bungalow into 2x semi-detached dwellings, incorporating extension to roof with front and rear dormer windows and single storey front/side extension (Resubmission of 18/00754/FUL)
- 3.8 **Application No:** **18/00781/HHA**
- Location:** 4 Treetops Close, Grays
- Proposal:** **Construction of new garage**

4. Appeals Decisions:

The following appeal decisions have been received:

- 4.1 **Application No:** **18/00625/FUL**
- Location:** 14 Abbots Drive, Stanford Le Hope

Proposal: New attached dwelling house, extension of dropped kerb and laying of hard standing.

Decision: Appeal Dismissed

- 4.1.1 The Inspector considered the main issues to be the effect of the development on the living conditions of the future occupiers and the character and appearance of the area and the street scene.
- 4.1.2 The amount of outdoor space provided for the new dwelling would be 28 sq.m, which falls significantly below the requirement of 75 m² sq.m for all new dwellings stated in the Council's retained Annex 1 (A1.2) of the Borough Local Plan (1997) (LP). The Inspector agreed with the Council in stating that the result would be an unacceptable standard of accommodation for the future occupiers of the new dwelling and demonstrates that the plot size is insufficient resulting in overdevelopment, which would be contrary to Policies PMD1, PMD2 of the CSTP22 of the Core Strategy and Policies for the Management of Development Plan Document (2015).
- 4.1.3 In relation to the impact on the street scene, the Inspector commented that by virtue of its scale and layout relative to local context, the proposed dwelling would be appear as an incongruous addition to the street scene on such a prominent corner site. The Inspector went on to state that its scale and massing would result in a cramped appearance, indicative of the limited plot size and this would detract from the current openness of the site, as viewed from Dawlish Drive and Plaistow Close.
- 4.1.4 The Inspector therefore concluded that the proposed development would result in a harmful effect on the character and appearance of the area and the street scene and would be contrary to CS Policies PMD2 and CSTP22, which amongst other things seeks new development to respect the character and appearance of the surrounding area and to be of high quality design.
- 4.1.5 The full appeal decision can be found online.

4.2 **Application No: 18/00316/FUL**

Location: 168 Branksome Avenue, Stanford Le Hope

Proposal: Demolition of the existing bungalow and the construction of 7 new dwellings

Decision: Appeal Dismissed

4.2.1 The Inspector considered the main issues to be:

- I. The effect on the character and appearance of the area, with particular regard to the degree and form of development proposed and its impact on existing trees and

II. The effect on the living condition of neighbouring occupiers, with particular regard to privacy.

4.2.2 In relation to (I) the inspector found that while the proposal would not harm the preserved trees the proposal would be harmful to the character and appearance of the area, and would materially conflict with the design objectives of policies PMD2, CSTP22 and CSTP23 of the Council's Core Strategy and Policies for Management of Development (CS) and relevant advice within paragraph 127 of the National Planning Policy Framework.

4.2.3 In relation to (II), the Inspector commented that the proposal would not make for a neighbourly form of development. The Inspector noted particular concerns regarding the facing first floor windows within the flank elevations of the proposed dwellings on Plots 1 and 2. There would also be privacy implications for the Plot 6 bungalow's curtilage due to the rear facing first floor windows from the dwelling on Plot 2, whilst the rear garden of No 166 would be overlooked by the first floor rear bedroom windows of the Plot 7 dwelling.

4.2.4 The Inspector concluded that the proposal would also be harmful to the living conditions of neighbouring occupiers, contrary to the amenity objectives of CS policy PMD1.

4.2.5 The full appeal decision can be found online.

4.3 Application No: 18/00325/PHA

Location: 521 London Road, South Stifford, Grays

Proposal: Rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 3 metres and eaves height of 2.7 metres.

Decision: Appeal Allowed

4.3.1 The Inspector noted that the appellant and the Council did not dispute that the property at 521 London Road is used as a house in multiple occupation (HMO). This is evidenced by an existing lawful use certificate for use of the property by 6 tenants (ref.15/00106/CLEUD) and was also the position at the time of the Inspector's site visit.

4.3.2 As such, the use of the property falls under Class C4 of the Use Classes Order 1987 (as amended) which is "use of a dwellinghouse by not more than six residents as a HMO".

4.3.3 The Council's position was that the proposal cannot be allowed under prior notification as the property is not a C3 dwellinghouse. As such, prior approval cannot be granted and a full planning application would be required. However, the appellant referred to an existing appeal decision ref.

APP/T5150/X/13/2200762 where the Inspector considered whether HMOs could be regarded as dwellinghouses. The appellant referred to case law where the distinctive characteristic of a dwellinghouse is 'its ability to afford to those who use it the facilities required for day-to-day private domestic existence'. Based on the evidence put forward by the appellant, the Inspector considered that the property provided such facilities and so could be regarded as a dwellinghouse. In doing so, the Inspector concluded that the proposal falls within the provisions for permitted development under Schedule 2, Part 1, Class A of the GPDO and allowed the appeal.

4.3.4 The full appeal decision can be found online.

5. 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: 14 May 2019

5.3 Application No: 18/00034/BUNWKS

Location: Police Station, Gordon Road, Corringham

Proposal: Unauthorised works without the benefit of planning permission.

Dates: 21 May 2019

5.4 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)

Dates: To be confirmed

6. 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	1	4	6	3		30
No Allowed	0	0	0	1	0	1	1	0	0	1	1		5
% Allowed													16.6%

7. Consultation (including overview and scrutiny, if applicable)

N/A

8. Impact on corporate policies, priorities, performance and community impact

8.1 This report is for information only.

9. 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: **Tim Hallam**
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

Report Author:

Leigh Nicholson,
Strategic Lead of Development Services,
Place.