

25 April 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. 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: 18/01131/PIP

Location: Green House, Robinson Road, Horndon On The Hill

Proposal: The application site seeks Permission in Principle for two detached 3/4 bedroom bungalows on the front part, of what forms a larger site, located on the south side of Robinson Road.

4. Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 18/00177/FUL

Location: 122A Bridge Road, Grays

Proposal: Retrospective consent for the change of use from a garage to a residential property

Decision: Appeal Dismissed

4.1.1 The appeal building is being used for residential purposes and is to the rear of two flats at 122 Bridge Road. The Inspector considered the main issues to be

- a) whether there is adequate living conditions for the occupiers of the dwelling, having regard to internal and external living space provision;
- b) The effect on the character and appearance of the area and
- c) Highway safety and accessibility for disabled persons.

4.1.2 The Inspector considered there to be a lack of openings into the accommodation to allow light and outlook. There is only a front window to allow light and outlook, and this faces onto an enclosed yard with high fencing and a gate. The frontage door has only limited, small and high level windows. On this basis, the Inspector stated, the existing and future occupiers would have a lack of natural light and poor outlook which is detrimental to their well-being and consequently, the quality of the internal space is poor.

4.1.3 The one-bedroom dwelling has an external outdoor space for occupiers which would be 5 sq.m short of the Council's expected 25 sq.m requirement. The Inspector stated that the space is poorly designed by being enclosed by a high fence and gate and this results in a confined and oppressive living environment for occupiers. For all these reasons, there is unacceptable effects on the living conditions of occupiers and accordingly, there is a conflict with policies PMD1 and PMD2 of the Core Strategy.

4.1.4 The dwelling is box-shaped due to its shape and quite stark in appearance due to its simple construction. Some of the outbuildings to the rear of neighbouring properties are of similar construction and appearance. However, the Inspector commented, that given its backland location, it visibly fails to integrate with the existing pattern of development for all these reasons. Accordingly, the development is not of a high quality design and conflicts with policies PMD1, PMD2 and CSTP22 of the Core Strategy.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 18/01059/HHA

Location: 56 Halt Drive, Linford

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

Decision: Appeal Dismissed

- 4.2.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the host property and the surrounding area.
- 4.2.2 The proposal relates to a semi-detached dwelling house on a corner plot in a part of Halt Drive that is made up of very similar properties. The proposed extension would be slightly set back from the front elevation of the existing house and would align with the rear elevation. To the side, the extension would extend from the flank wall of the existing house to approximately 0.9m from the boundary of the property with highway land on Hazelwood.
- 4.2.3 The extent of the proposed extension makes it appear wide in comparison to the existing dwelling and does not give the impression of being subservient to the existing dwelling or to the semi-detached pair of 54 and 56 Holt Drive. This would create an imbalanced appearance and would mean that the proposed extension would be unduly prominent in the local street scene.
- 4.2.4 The size of the proposed extension and appearance of the flank wall of the proposal, which the Inspector considered provides little in the way of design features apart from the first floor window, would be obtrusive and overbearing to its immediate surroundings. This overbearing quality would be exacerbated by the proposed boundary wall, when experienced in relation to the oversized extension as proposed.
- 4.2.5 The Inspector found other examples of extended dwellings provided by the appellant to not be of the same impact as the proposals at the appeal site.
- 4.2.6 The Inspector concluded that due to the excessive scale of the two storey extension with the boundary wall, the proposal would significantly harm the character and appearance of the host property and the surrounding area. The Inspector determined that the proposed development, therefore, conflicts, with Policies PMD2 and CSTP22 of the Thurrock Core Strategy and Policies for Management of Development (2015), and guidance contained in the Thurrock Residential Design Guide: Residential Alterations and Extensions (2017). The Inspector stated that these policies and guidance seek to ensure, amongst other things, that new development proposals are of high quality design that contributes positively to the character of the area; the appeal would also be at odds with the National Planning Policy Framework, which seeks to achieve well designed places.
- 4.2.7 The full appeal decision can be found online.

4.3 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.

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the appeal property and the surrounding area. No 33 is a semi-detached property set in a large garden, located on the western side of Windsor Avenue, a long and straight road.

4.3.2 The proposed extensions to the rear include a first floor extension set back over an existing flat roof element and a loft conversion with a flat roofed rear dormer. The first floor extension would have a flat roof. The Inspector noted that both elements would extend across much of the width of the property. The siting, size, scale, bulk and design of both additions to the rear elevation would not reflect the design of the existing dwelling and with the detailing including the window positioning, would appear prominent and visually discordant.

4.3.3 The Inspector commented that it is apparent that the proposed rear elements do not take account of current policies and guidance and would appear prominent and incongruous. The Inspector stated that the existence of the other extensions do not justify this proposal.

4.3.4 Whilst Windsor Avenue consists of a variety of house types, the Inspector considered the relationship between Nos 31, 33 and 35 as important as they form a group. Although there are some other examples of similar extensions and the gaps along the street vary in size, the Inspector argued that those spaces that remain at first and second floor level are important features in the street scene. Other extensions that have filled in these gaps demonstrate the unfortunate visual effect of losing that articulation.

4.3.5 The Inspector commented that filling in the gap between No 33 and 35 would be detrimental to the street scene, making the dwellings look cramped and creating an unfortunate terracing effect. This would be detrimental to the character and appearance of the street eroding its character. The Inspector concluded that the proposal would materially harm the character and appearance of the host property and the surrounding area.

4.3.6 The full appeal decision can be found online.

4.4 Application No: 18/01050/HHA

Location: Lyndfield, Orsett Road, Horndon on the Hill

Proposal: First floor side extension

Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issues to be:

- a) Whether the proposed development would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (NPPF);
- b) The effect of the proposal on the openness of the Green Belt;
- c) If it is inappropriate development, whether the harm to the Green Belt by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

4.4.2 The Inspector found that the previous additions including this proposal would result in disproportionate additions over and above the size of the original dwelling. In coming to this view the Inspector took into account Policy PMD6 and found that the proposal would be a disproportionate addition to the original dwelling and thereby in conflict with Policy PMD6 and the NPPF as inappropriate development in the Green Belt.

4.4.3 Turning to harm to the openness of the Green Belt, the Inspector commented that the proposal would change the appearance of the property and considerably increase its bulk therefore increasing its visual impact. The Inspector argued that this means that there would be harm as openness cannot be preserved. In addition to the harm arising from the principle of inappropriate development the Inspector attached considerable weight to this harm.

4.4.4 By way of Very Special Circumstances, the appellants provided two Lawful Development Certificate applications that had been submitted demonstrating the development which could be carried out as a 'fallback' position under Permitted Development. The appellant argued that the fallback position would 'destroy the look of the house' whereas the proposal would be 'aesthetically pleasing'. The appellant also offered to have Permitted Development right restricted via the appeal.

4.4.5 The Inspector commented that there is nothing to prevent existing permitted development rights being exercised before any permission be granted as removing such rights would only take effect once any permission was implemented. There is no legal agreement in place to remove permitted development rights on the issue of any planning permission. There is also a physical possibility that more than one scheme could be carried out. This, according to the Inspector, then negates the fallback position further and the Inspector gave limited weight to this argument.

4.4.6 In concluding, the Inspector stated the Government attaches great importance to Green Belts and that substantial weight should be given to any harm to the Green Belt. In this case, the Inspector found harm to the Green belt by way of inappropriateness and to its openness. Balanced against other considerations the applicant's case did not clearly outweigh the harm to the Green Belt. The Inspector accordingly dismissed the appeal.

4.4.7 The full appeal decision can be found online.

4.5 **Application No: 18/01513/HHA**

Location: 1 Syringa Court, Grays

Proposal: Single storey part side and part rear extension.

Decision: Appeal Dismissed

4.5.1 The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host property and the surrounding area.

4.5.2 The appeal site is a semi-detached property located on the corner of Syringa Court with Salix Road. The general locality has properties of varying forms and appearance, but there is an overall consistency to this residential estate. There is a strong and distinctive building line on the appeal property's side of Salix Road. Properties on the corner of Syringa Court with Salix Road front Syringa Court. The front and side of No 1 can be readily seen from Salix Road against the backdrop of the road curving round. The rear is clearly visible from longer distances along Salix Road.

4.5.3 The Inspector commented that the proposal would appear as an overly large and bulky addition, out of scale with the host building. Its design and particularly its roof form would compound this visual impact. The Inspector did not agree with the appellant's assessment that the proposal would read as if it were a converted garage; on the contrary, the Inspector stated, it would not read as a subservient feature. The presence of a fence would not mitigate this unfortunate effect.

4.5.4 The Inspector found that the proposal would materially harm the character and appearance of the host property and the surrounding area.

4.5.5 The full appeal decision can be found online.

4.6 **Application No: 16/01512/FUL**

Location: Land adjacent to Astons Villa, Brentwood Road, Bulphan

Proposal: The change of use to residential for a Romany Gypsy family, site to contain one caravan and one camper van for residential use, with repositioning of existing hardstanding and connection to services, the access also to be setback from the highway and improved.

Decision: Appeal Allowed

- 4.6.1 The site comprised of a level field bounded to the east by Brentwood Road, by the curtilages of dwellings to the north and south, and by motel grounds at the rear. The Inspector noted there was an existing hardstanding and two touring caravans on the site, which were in a poor state of repair and had been vandalised. There was also a shed and the remains of polytunnels.
- 4.6.2 Of material consideration with this appeal, according to the Inspector, was the existence of the Certificate of Lawful Use (CLEUD) which was issued in February 2015 which related to the storage of caravans on the site.
- 4.6.3 The appellant submitted evidence of regular travelling for economic purposes – including markets and horse fairs - as well as cultural and family events. On that basis, the Inspector commented, there was no reason to doubt that the appellant/occupiers fell within the definition of Gypsy Travellers contained in the Planning Policy for Traveller Sites.
- 4.6.4 The parties agreed that the appeal represented inappropriate development in the Green Belt. This was in line with the 2018 Framework and, more specifically, PPTS which states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development.
- 4.6.5 However set against these matters was the existence of the CLEUD and the fact that the land could continue to be used for the storage of caravans. The Inspector stated that this, in itself that would have an impact on the Green Belt. The Inspector stated that there was no suggestion that, if this appeal was dismissed, the existing use would cease, and that this position had to be balanced against the harm to the Green Belt arising from the proposal.
- 4.6.6 The Inspector commented that the development of the two recent sites at Pieris Place and Garlesters Farm nearby, had given the area a more developed character. The Inspector concluded that overall, there would be some change in the appearance of the site, this would be limited in comparison with the current position, and could represent an improvement in the currently unkempt appearance of the land. The Inspector also noted that the extent to which any change would be visible would be limited by the existing boundary vegetation and the proposed additional planting, and the proposal would not be out of place in an area already characterised by sporadic development.

4.6.7 For these reasons, the Inspector determined, the proposal would not harm the character and appearance of the area and would not conflict with the relevant criterion in CS policy CSTP3, nor with CS policies PMD2 or CSTP22.

4.6.8 The full appeal decision can be found online.

4.7 Application Nos: 17/01369/LBC and 17/01368/FUL

Location: Sir Henry Gurnett, Romford Road, Aveley

Proposal: The development proposed is conversion and extension of former storage barn to form function space.

Decision: Appeals Allowed

4.7.1 The appeal site is located within the Green Belt and relates to the conversion of a barn forming part of the curtilage of the listed public house building.

4.7.2 The Inspector commented that the main issues with this case were whether the development constituted inappropriate development in the Green Belt and whether the proposals would preserve the special interest and setting of the Grade II* listed public house building including the barn itself.

4.7.3 In relation to the Green Belt, the Inspector found the extensions not to be disproportionate as additions and, as such, no conflict with Green Belt policies was identified.

4.7.4 With regard to the impact upon the listed building, the Inspector considered the barn as forming part of the listed building as a curtilage structure but that the barn was not listed in its own right. The Inspector went on to state that the barn's relevance lay in the contribution that it makes to the special architectural and historic interest of the listed building. Any alterations to the barn could affect this setting and in turn impact upon the significance of the listed building. The Inspector concluded that the proposed extensions and physical alterations to the barn would not detract from the overall appearance and balance of the barn and that the improvements would be sympathetic improving its appearance.

4.7.5 The appellant had appealed for costs on the basis of unreasonable behaviour and wasted expense; however, the Inspector refused the application for costs finding no unreasonable behaviour leading to unnecessary or wasted expense in the process.

4.7.6 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: 11 April 2019

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	8	38
No Allowed	0	0	0	1	0	1	1	0	0	1	1	3	8
% Allowed													21.05%

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

7.1 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:

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Strategic Lead of Development Services

Place