

28 November 2019		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All		Key Decision: Not Applicable
Report of: Jonathan Keen, Interim Strategic Lead - Development Services		
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Andy Millard, Interim Director of Place		

Executive Summary

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

1.0 Recommendation(s)

1.1 That the Planning Committee 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: 19/00961/HHA

Location: 29 Cullen Square, South Ockendon

Proposal: Retrospective application for outbuilding to be used as office and gym.

- 3.2 **Application No:** **19/00800/HHA**
- Location: Harbar, 8 Branksome Avenue, Stanford Le Hope
- Proposal: First floor side extension and first floor rear extension with roof alterations
- 3.3 **Application No:** **19/00267/FUL**
- Location: Silver Springs, High Road, Fobbing
- Proposal: Demolition of Inglefield, part single/part two storey front, side and rear extensions with front balcony to Silver Springs and construction of six detached houses to rear with associated access road, landscaping and amenity space
- 3.4 **Application No:** **19/01094/FUL**
- Location: Land To Rear Of 14 Corringham Road, Stanford Le Hope
- Proposal: Demolition of existing garage and erection of three storey residential building providing 2 no. 2 bedroom residential units with undercroft parking
- 3.5 **Application No:** **19/00078/BUNUSE**
- Location: 3 Goldsmiths Avenue, Corringham
- Proposal: Retrospective planning permission for change of use. Retaining original use as a residential dwelling with the addition of use as dog kennels for micro level commercial dog breeding.
- 3.6 **Application No:** **19/00167/FUL**
- Location: The Village Motel, Southend Road, Corringham
- Proposal: Demolish all existing structures on site and construction of three 2 storey blocks creating nine flats with associated parking area, amenity space and cycle and bin stores (resubmission of 18/01460/FUL Demolition of existing structures and construction of two residential blocks creating five flats with associated parking area, amenity space and cycle and bin stores)

- 3.7 **Application No:** **19/00603/HHA**
- Location: Windy Corner, Kirkham Road, Horndon On The Hill
- Proposal: Two storey side extension with front dormer and two rear roof lights
- 3.8 **Application No:** **19/00181/FUL**
- Location: The Pullman Tavern, 61 High Street, Grays
- Proposal: Change of use of ground floor and basement from A4 (public house) to A1 (retail)
- 3.9 **Application No:** **19/01016/FUL**
- Location: Land Adjacent 107 Humber Avenue, South Ockendon
- Proposal: Construction of dwelling house with vehicular access, parking and landscaping
- 3.10 **Application No:** **19/00701/HHA**
- Location: 20 Furness Close, Chadwell St Mary
- Proposal: Single storey front extension
- 3.11 **Application No:** **19/01190/HHA**
- Location: 12 San Marcos Drive, Chafford Hundred
- Proposal: Retrospective application for single storey side extension
- 3.12 **Application No:** **19/00528/HHA**
- Location: The Olives, Rectory Road, Orsett
- Proposal: Single storey rear extension and first floor side extension above the existing single storey side extension
- 3.13 **Application No:** **19/00891/HHA**
- Location: 53 Catharine Close, Chafford Hundred
- Proposal: Loft conversion with rear dormer, three front roof lights and side window

3.14 Application No: 18/01814/CLOPUD

Location: Land Rear Of Ewen House, High Road, Fobbing

Proposal: New storage building for B8 use (warehousing) on land to the rear of Ewen House under Part 7, Class H of the Town and Country Planning (General Permitted Development) (England) Order 2015

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 19/00178/FUL

Location: Amberley, 237 Branksome Avenue, Stanford Le Hope

Proposal: Two storey detached dwellinghouse

Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be the effect of the development on the character and appearance of the area and on highways safety.

4.1.2 The Inspector found that the design and layout of the proposal meant it would be narrow, giving the impression of a new dwelling squeezed into the available space resulting in a cramped appearance. The roof design was considered to be significantly different to others in the area, and as a result it would draw attention to the site, resulting in a development that would be incongruous. The level of car parking and the parking layout was found to be acceptable.

4.1.3 On the basis of the matters put forward the Inspector found the development would harm the character and appearance of the area and would conflict with Policies PMD2, CSPT22 and CSTP23 of the Core Strategy and would be at odds with the design aims of the NPPF and the appeal was dismissed.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 19/00345/FUL

Location: 36 Caldwell Road, Stanford Le Hope

Proposal: New dwelling on land adjacent to 36 Caldwell Road

Decision: Appeal Allowed

4.2.1 The Inspector considered the main issues to be the effect of the proposed development on (i) the character and appearance of the area, and (ii) the

living condition of the occupiers of No 75 Kingsman Road with regard to the outlook from and impact upon the neighbouring garden.

4.2.2 The Inspector found the design and appearance of the proposed dwelling would reflect the roof form of neighbouring dwellings and while there would be a smaller gap to the side boundary than on some other sites given the location at the end of the terrace it would not be unacceptable. In relation to No 75 Kingsman Road the Inspector found that whilst the side of the dwelling would adjoin the boundary of No 75, it would only be for a small distance and it would be 14m from the property, accordingly there would be no harmful impact from the dwelling.

4.2.3 Accordingly, the development complied with the Core Strategy and the NPPF and the appeal was allowed subject to conditions.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 19/00518/HHA

Location: 181 Crammavill Street, Stifford Clays, Grays

Proposal: Two storey side extension.

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area.

4.3.2 The Inspector found that the proposed side extension would significantly reduce the space to the side of the appeal property and that while a gap would be retained, it would not be sufficient to overcome the harm that would arise from the proposed development to the overall spacious character of the area. He considered that the siting of the proposed extension would interrupt the established appearance emphasised by a consistent line of built development along Grantham Way set by the appeal property and the properties on Hogarth Road to the rear.

4.3.3 Accordingly the proposal was contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy, the RAE and the design aspects of the NPPF. The appeal was therefore dismissed.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 19/00794/HHA

Location: 75 Mayflower Road, Chafford Hundred

Proposal: Loft conversion with two rear and one front dormer

Decision: Appeal Dismissed

- 4.4.1 The Inspector considered the main issues to be the effect of the proposed development on the character and appearance of the area
- 4.4.2 The Inspector found that despite the use of a sympathetic gable roof form, the height, width, overall mass and the window proportions of the proposed dormer windows would not relate to the host building, which had a limited roof space and modest window openings at the ground and first floor. Consequently, the Inspector found the proposed dormer windows would appear excessively large, when viewed against the context of the existing building, which would unacceptably diminish the architectural integrity of the property. The dormers would therefore appear as an unduly prominent form of development causing harm to the character and appearance of the area.
- 4.4.3 Accordingly the proposal was found to be contrary to Policies CSTP22 and PMD2 of the Core Strategy and the RAE. The appeal was therefore dismissed.
- 4.4.4 The full appeal decision can be found online.

4.5 Application No: 18/01533/FUL

Location: 253 Princess Margaret Road, East Tilbury

Proposal: The demolition of no.253 Princess Margaret Road, formation of an emergency, pedestrian and cycle access together with the erection of 3no. terraced houses

Decision: Appeal Dismissed

- 4.5.1 The Inspector considered the main issues to be: a) the effect of the development on the character and appearance of the area; and b) whether the development would create a safe and secure environment.

- 4.5.2 a) The effect of the development on the character and appearance of the area.

The Inspector considered the proposed terrace would protrude significantly beyond the north flank elevation of No 251 Princess Margaret Road and the two-storey rear elevation of the proposed terrace would be readily visible from the street. This deviation from the prevailing pattern of development would be at odds with the character and appearance of the area. As such, the proposed dwellings would be an incongruous and unduly prominent form of development when viewed from Princess Margaret Road, which would cause significant harm to the character and appearance of the area.

- 4.5.3 b) whether the development would create a safe and secure environment.

The Inspector considered the proposal would not have a detrimental impact on the safety and security of the local environment, where an area of open space was being proposed.

4.5.4 Accordingly for design and character reasons the proposal was found to be contrary to Policies CSTP22, CSTP23 and PMD2 of the Core Strategy and the aims of paragraph 127(c) of the NPPF.

4.5.5 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

5.1 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	3	7	3	1	14	5	3						36
No Allowed	1	0	0	0	3	0	2						6
% Allowed	33.33%	0%	0%	0%	21.4%	0%	66.66%						16.67%

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

7.0 Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

8.0 Implications

8.1 Financial

Implications verified by: **Rosie Hurst**
Interim Senior Finance Manager

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Tim Hallam**
Acting Head of Legal & Governance and
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').

8.3 **Diversity and Equality**

Implications verified by: **Natalie Warren**
Strategic Lead Community Development and Equalities

There are no direct diversity implications to this report.

8.4 **Other implications** (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

9.0. **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.

10. **Appendices to the report**

- None