

<b>13 February 2020</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> N/A	
<b>Report of:</b> Jonathan Keen, Interim Strategic Lead, Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Interim Assistant Director, Planning, Transport and Public Protection.		
<b>Accountable Director:</b> Andrew Millard, 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: 19/01117/FUL

Location: 13 Crouch Road, Chadwell St Mary

Proposal: Erection of 6 bedroom house of multiple occupation on land adjacent to 13 Crouch Road with associated hardstanding

#### 3.2 Application No: 19/00983/HHA

Location: 36 Rookery View, Grays

Proposal: Part single storey rear extension with roof lantern, first floor part rear and part side extension with roof alterations

with the addition of one roof light, Juliet balcony and front porch

**3.3 Application No: 19/01180/FUL**

Location: 17 College Avenue, Grays

Proposal: Full planning application for erection of a detached dwelling (Class C3), with associated access, parking and landscaping

**3.4 Application No: 18/00649/FUL**

Location: Water Tower, Kirkham Road, Horndon On The Hill

Proposal: Conversion of redundant water tower to residential dwelling, with part two/part single storey rear and side extension and associated hardstanding (resubmission of 16/00399/FUL Conversion of redundant water tower to residential dwelling)

**3.5 Application No: 19/00379/FUL**

Location: Montrose, 168 Branksome Avenue, Stanford Le Hope

Proposal: Demolition of the existing bungalow and the construction of 5 new dwellings with associated access road, hardstanding, landscaping and two vehicular access points (resubmission of 18/00316/FUL Demolition of the existing bungalow and the construction of 7 new dwellings)

**4. Appeals Decisions:**

The following appeal decisions have been received:

**4.1 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.

Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issue is the effect the development would have on the character and appearance of the Orsett Conservation Area and on the setting of the nearby listed buildings.

- 4.1.2 It was considered that the proposed first floor extension and the introduction of a hipped roof over the existing garage would enclose the visual gap which currently exists between the properties and increase the massing of development in close proximity to the boundary with the Stable Range.
- 4.1.3 The proposal would, therefore, fail to preserve or enhance the setting, and thereby the significance of, the designated heritage assets of the Grade II Listed Buildings, The Larches and the Stable Range. It would also harm the setting of the Conservation Area and would not accord with the policies which seek to conserve and enhance the historic environment.
- 4.1.4 Accordingly the appeal was dismissed as it would have been contrary to policies PMD2, PMD4, CSTP22, CSTP23 and CSTP24 of the Core Strategy 2015.
- 4.1.5 The full appeal decision can be found online.

**4.2 Application No: 19/00891/HHA**

Location: 53 Catharine Close, Chafford Hundred, Grays

Proposal: Loft conversion with rear dormer, three front roof lights and side window

Decision: Appeal Allowed

- 4.2.1 The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the area.
- 4.2.2 The proposed rear dormer would be sited centrally within the roof slope and would be inset from each end of the roof, set below the ridge of the main roof and would face onto the rear garden of the property and views beyond to the Arterial Road North, which the Inspector considered would reasonably remain in place in perpetuity.
- 4.2.3 The Inspector considered that the rear roof slope should be considered as a rear roof slope that is not visible from a public space, and that the development would accord with the requirements of the RAE and its size and scale would not be overly dominant or overbearing. Furthermore, while the surrounding area is not characterised by dormer windows, it was not considered that the proposed dormer would be unacceptable and it was considered that the development would be subservient and in keeping with the character and appearance of the existing dwelling.
- 4.2.4 Accordingly, the development complied with the Core Strategy and the NPPF and the appeal was allowed, subject to conditions.
- 4.2.5 The full appeal decision can be found online.

**4.3 Application No: 19/00164/FUL**

Location: Land Adjacent Groves Barns And To The East Of North Road, South Ockendon

Proposal: Demolition of existing buildings and removal of existing hardstanding and redevelopment of site, including new access road, 9 dwellings with private car parking facilities 2 no. visitor car parking spaces to the north, 12no. visitor car parking spaces for the recreational fishing lakes that are currently under construction and new refuse storage facilities.

Decision: Appeal Dismissed

- 4.3.1 The Inspector considered the main issues to be whether the proposal constituted inappropriate development along with the impact of the development on the openness character of the Green Belt. The effects of surface water run from the site was also considered a main issue by the Inspector.
- 4.3.2 The proposal included redevelopment of the site of the buildings which served the former quarry. In considering the evidence, the Inspector held that the proposed housing would cover a greater area than that of the original buildings and areas of hardstanding. As a result, he concluded the proposal would not fall within the NPPF's exceptions to inappropriate development found in 145 of the Framework.
- 4.3.3 The Inspector noted the buildings at the former quarry have almost been completely demolished with limited walls remaining and areas of hardstanding had already been broken up. In the context of preserving openness character of Green Belt sites, the Inspector further commented that the proposals would be more intrusive than the existing buildings and would cover a large part of the site.
- 4.3.4 By adopting the approach from the NPPF and the Council's Local Plan Policy PMD6, the Inspector concluded that the proposals would result in harm by reason of inappropriateness and harm to openness contrary to policies OSDP1, CSSP4 and PMD6 of the Core Strategy 2015.
- 4.3.5 The Inspector also held that it was unclear how the proposed sustainable urban drainage system (SuDS) could reduce the risk of surface water flooding. In light of this, it was deemed insufficient information had been supplied and it would be difficult to determine the extent of flood water run off resulting from the proposals.
- 4.3.6 The appeal application was deemed inappropriate development in the Green Belt and harmful by definition. The appellant had put forward very special

circumstances to justify inappropriate development but the Inspector afforded limited weight to these factors. Accordingly the appeal was dismissed for matters of principle and detail.

4.3.7 The full appeal decision can be found online.

**4.4 Application No: 19/00701/HHA**

Location: 20 Furness Close, Chadwell St Mary

Proposal: Single storey front extension

Decision: Appeal Allowed

4.4.1 The main issue in this appeal was the effect of the development on the character of the area.

4.4.2 It was considered by the Inspector that while the appeal site formed a row of terraces that did not contain a front extension similar to the proposed, there are numerous extensions in the area. It was therefore considered that the appeal site does not form part of a strongly defined building line that is an important characteristic of the street.

4.4.3 It was concluded that the development would have an acceptable impact on the character and appearance of the area. The development would be in accordance with policies PMD2 and CSTP22 of the Core Strategy and guidance within the RAE.

4.4.4 The appeal was allowed subject to conditions

4.4.5 The full appeal decision can be found online.

**4.5 Application No: 19/01190/HHA**

Location: 12 San Marcos Drive, Chafford Hundred, Grays

Proposal: Retrospective application for single storey side extension

Decision: Appeal Dismissed

4.5.1 The main issue in this appeal was the effect of the development on the character and appearance of the area.

4.5.2 It was considered by the Inspector that while there is a variety in the style and size of properties that are constructed using varying materials, within the area there is still a degree of uniformity. While it was noted by the Inspector that properties within the area benefit from garages, they are set back from the principal elevation.

4.5.3 It was accepted by the Inspector that while there is a range of materials within the vicinity, the development fails to take cues from these, along with its flat roof and positioning the garage is an awkward and somewhat discordant form of development that is in stark contrast to the established character of the area. The forward projection of the development also added to its prominence within the street scene. Therefore, it was concluded that the development resulted in material harm to the character and appearance of the area, in conflict with Policies CSTP22 and PMD2. Accordingly the appeal was dismissed

4.5.4 The full appeal decision can be found online.

4.6 **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

Decision: Appeal Dismissed

4.6.1 The main issues under consideration in this appeal were the effect of the proposal to the Green Belt and to the character and appearance of the dwelling and the wider area.

4.6.2 The Inspector considered the scale and design of the side extension and dormers would not be unduly dominant and disproportionate to the host dwelling, given its existing scale and form. Nonetheless, the Inspector did not consider that the very special circumstances necessary to justify the development in the Green Belt exist.

4.6.3 Accordingly the appeal was dismissed for being contrary to policy PMD6 of the Core Strategy and the NPPF.

4.6.4 The full appeal decision can be found online.

4.7 **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

Decision: Appeal Dismissed

4.7.1 There were a number of issues under consideration in this appeal, with the effect of the proposal on: the character and appearance of the area; the living conditions of the future occupiers of the proposed flats; the living conditions of

the occupiers of neighbouring properties at Nos 3-5 Salisbury Avenue, with particular regard to outlook and whether the proposed parking layout would provide sufficient manoeuvring area for vehicles using the parking spaces.

4.7.2 The Inspector concluded that the proposed development would be harmful to the character and appearance of the area, would be harmful to the living conditions of the future occupiers of the proposed flats and would be harmful to the living conditions of the occupiers of Nos 3 & 5 Salisbury Avenue. Additionally, the proposed parking layout would not provide sufficient manoeuvring area for vehicles using the parking spaces.

4.7.3 Accordingly the appeal was dismissed for being contrary to Policies PMD1, PMD2, PMD8 and CSTP22 of the Core Strategy and contrary to paragraph 127 and Chapter 12 of the NPPF.

4.7.4 The full appeal decision can be found online.

## 5. 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	5	9	8			58
No Allowed	1	0	0	0	3	0	2	1	3	3			13
% Allowed	33.33%	0%	0%	0%	21.4%	0%	66.66%	20%	33.33%	37.50%			22.41%

## 6. Consultation (including overview and scrutiny, if applicable)

N/A

## 7. Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

## 8. Implications

### 8.1 Financial

Implications verified by: **Laura Last**  
**Management Accountant**

There are no direct financial implications to this report.

## 8.2 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').

## 8.3 Diversity and Equality

Implications verified by: **Natalie Smith**  
**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. 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](http://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

### Report Author:

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