

19 March 2020		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, Director of 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:** 19/00077/AUNWKS

Location: 16 Rowley Road, Orsett

Proposal: Removal of existing boundary wall and erection of new means of enclosure and extension of garden onto open land adjacent to residential curtilage

3.2 Application No: 18/01830/OUT

Location: Land Adjacent Bulphan By-Pass And Church Road, Bulphan

Proposal: Outline planning permission with all matters (except for access) reserved for development comprising 116 residential units with associated amenity space and parking, three retail units, public house, strategic landscaping and noise attenuation buffer

3.3 Application No: 19/01087/CLOPUD

Location: Red Lion Cottage, Stanford Road, Stanford Le Hope

Proposal: Summer house

3.4 Application No: 19/01206/FUL

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

Proposal: Permission to build two detached 3 bedroom bungalows

3.5 Application No: 19/01555/FUL

Location: Former Alcakila, Bells Hill Road, Vange

Proposal: Demolition of the existing outbuilding and erection of a new 4 bedroom dwelling and an annexe

3.6 Application No: 19/01466/HHA

Location: 3 Duarte Place, Chafford Hundred, Grays

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

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 19/01016/FUL

Location: Land Adjacent 107 Humber Avenue, South Ockendon

Proposal: Construction of dwelling house with vehicular access, parking and landscaping

Appeal Decision: Appeal Dismissed

- 4.1.1 The main issue related to the effect of the development on the character and appearance of the area.
- 4.1.2 The Inspector considered the proposal would result in the removal of a parcel of land that contributes towards the openness of the area, interrupting and eroding the uniformity of the street scene. The Inspector commented that the proposed dwelling would appear cramped within its plot and out of keeping with the prevailing spacious character of the area, when viewed from either Garron Lane or Humber Avenue.
- 4.1.3 The Inspector concluded the proposal would be materially harmful and conflict with Policies PMD2, CSTP22 and CSTP23 of the Thurrock Core Strategy 2015 and the National Planning Policy Framework.
- 4.1.4 The full appeal decision can be found online.

4.2 Application No: 19/00458/FUL

Location: 12 Lytton Road, Chadwell St Mary

Proposal: Construction of a pair of 2 bedroom semi-detached houses with associated hardstanding and additional dropped kerb

Appeal Decision: Appeal Dismissed.

- 4.2.1 The main issues related to the effect on the character and appearance of the area, and the effect on the living conditions of the occupiers of the proposed dwellings by reason of the adequacy of the level of private amenity space.
- 4.2.2 The Inspector commented that the proposed houses would fit tightly within the site's boundaries. This would be at variance with the relatively open character of the estate and in particular that of the short connecting roads which run along the flank of rear gardens. The Inspector considered that the proposals would not respect the area's local character and appearance and would be contrary to Policies CSTP22 and PMD2 and the National Planning Policy Framework 2019.
- 4.2.3 Turning to the issue relating to the adequacy of the private amenity space, the Inspector stated that the proposal included approximately 60sqm of amenity space for each dwelling located to the side and rear of each property and he considered that whilst modest in size it could function adequately as amenity space for a two bedroom house. Nonetheless, the Inspector did not consider this second issue to overcome the overall harm caused by the proposals and the impact upon the character of the area.
- 4.2.4 The full appeal decision can be found online.

4.3 Application No: 19/00076/BUNWKS

Location: 39 Laird Avenue, Grays

Proposal: One front pitched roof dormer to front elevation of roof slope

Appeal Decision: Appeal Dismissed

4.3.1 The appeal was submitted against an Enforcement Notice issued regarding a breach of planning control consisting of the erection of a pitched roof dormer to the front elevation of the roof slope. The Enforcement Notice required the removal of the dormer from the dwellinghouse, the making good of the roof and the removal of all materials in relation to these previous steps. The period for compliance was three months.

4.3.2 The Inspector commented that the cladding of the cheeks and front elevation of the dormer contrasted in colour and texture with the roof tiles on the main bungalow roof, so that the dormer does not appear integrated with the main roof. As a result, it is a dominant and prominent feature on the front roof slope, which appears visually intrusive.

4.3.3 For these reasons the Inspector concluded that the front dormer is harmful to the character and appearance of the surrounding area and in conflict with Core Strategy Policies PMD1, PMD2 and CSTP22 and the Residential Alterations and Extension Supplementary Planning DPD 2017.

4.3.4 The full appeal decision can be found online.

4.4 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)

Appeal Decision: Appeal Dismissed.

4.4.1 The main issues in this appeal were as follows: Whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

4.4.2 The Inspector agreed that the land fell within the definition of 'previously developed land'. Therefore, the question is whether or not the proposal

would have a greater impact on the openness of the Green Belt than the existing development. Whilst the proposals would reduce the footprint of buildings, the development would significantly increase the volume and height of the built form on the site. Consequently, the proposed development would, by virtue of its permanence and size, have a greater impact on openness than the existing development. The Inspector found, therefore, that the proposal would not meet the exceptions in paragraph 145 of the Framework, which requires that development on previously developed land would not have a greater impact on the openness of the Green belt than the existing development. The proposal therefore constituted inappropriate development in the Green Belt.

4.4.3 The Inspector did not give any weight to the previous planning history relating to other development approved nearby, nor to the development's contribution to the 5 year housing supply. As a consequence, the Inspector did not consider there to be any very special circumstances which would outweigh the harm caused by this development and dismissed the appeal.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 18/01041/FUL

Location: Dahlia Cottage, Kirkham Shaw, Horndon On The Hill

Proposal: Two bedroom bungalow

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the main issues in this to be whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; and, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

4.5.2 The appeal scheme proposed the construction of a new dwelling, rather than a replacement dwelling. Accordingly, the appeal proposal does not fulfil the exception requirements within Policy PMD6 of the DPD and paragraph 145d) of the Framework. The Inspector commented that the appeal site does not lie within an established frontage of residential development and therefore the proposal did not form infill development according to the definition within Policy PMD6 or the requirements of paragraph 145 e) of the Framework.

4.5.3 The Inspector considered all other matters including the site history, the lack of a 5 year housing supply and surrounding development. In conclusion, the Inspector stated that the proposal would be inappropriate development where no very special circumstances exist, and there was a clear reason for refusing the development.

4.5.4 The full appeal decision can be found online.

4.6 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

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector considered the main issues in this case to be whether the proposal would be inappropriate development in the Green Belt having regard to the revised Framework and any relevant development plan policies; the effect on the openness of the Green Belt; and, would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

4.6.2 The Inspector commented that the proposals would significantly increase the amount of built form on the appeal site. It would replace predominantly open and green residential gardens with 6 detached 2- storey dwellings, parking spaces and an access road. Overall the proposal would therefore have a significantly greater spatial impact on the openness of the Green Belt than currently exists. Consequently, the proposed development would, by virtue of its permanence and size, have a significantly greater impact on openness than the existing development.

4.6.3 Turning to the very special circumstances put forward by the Appellant, the Inspector considered all the arguments put forward including the lack of a 5 year housing supply, the Appellant's contribution of a 'housing payment' towards affordable housing and the Appellant's desire to provide high quality homes for the retention of business executives. Taken together, the Inspector concluded that the other considerations in favour of the appeal scheme would not clearly outweigh the harm to the Green Belt by reason of inappropriateness and its impact on openness. Consequently, the very special circumstances that would be necessary to justify inappropriate development in the Green Belt did not exist.

4.6.4 The full appeal decision can be found online.

4.7 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

Appeal Decision: Appeal Dismissed.

- 4.7.1 The main issue is the effect of the proposed development on the character and appearance of the existing house and the surrounding area.
- 4.7.2 The Inspector commented that the proposed single storey rear extension, roof light and storm porch would be acceptable. The Inspector raised concerns regarding the first floor extensions to the side and rear as they would have an unacceptably harmful effect on the character and appearance of the existing house and the surrounding area.
- 4.7.3 The Inspector concluded that the proposal would not accord with Policies PMD2 and CSTP22 of the Council's Core Strategy 2015 and the Thurrock Design Guide: Residential Alterations and Extensions 2017.
- 4.7.4 The full appeal decision can be found online.

4.8 Application No: 19/00500/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, erection of fencing adjacent to Princess Margaret Road and the erection of two semi-detached houses along Sandpiper Close.

Appeal Decision: Appeal Dismissed

- 4.8.1 The main issues in the consideration of this appeal were the effect of the proposed development on the character and appearance of the area; and, whether the development would create a safe and secure environment.
- 4.8.2 The appeal site is occupied by a two-storey detached dwelling, 253 Princess Margaret Road, located within a residential area. The site is identified as a landscaped corridor and emergency access in the recent residential development of 'The Boulevards'. 'The Boulevards' is located behind properties fronting Princess Margaret Road and directly abuts the East Tilbury Conservation Area.
- 4.8.3 Princess Margaret Road is a long straight road, predominately with two storey semi-detached dwellings, with a consistent building line and design. Dwellings are set back from the main road, built within generous plots and with relatively spacious front gardens and driveways. Reflecting the character and appearance of Princess Margaret Road, 'The Boulevards' are also set back from the road, with gardens and driveways located to the front of the properties.
- 4.8.4 Considering its prominence, as the first visible part of the 'The Boulevards' and its lack of relationship with Princess Margaret Road, the Inspector

found the proposed new development would be likely to have a negative impact therefore harming the character and appearance of the wider area.

4.8.5 The Inspector commented that the proposal would increase the level of natural surveillance on the site, which could have a positive impact as a deterrent of crime and anti-social behaviour and therefore did not find that the proposal would result in the creation of an unsafe space.

4.8.6 Nonetheless, the Inspector concluded that the development would be harmful to the character of the area contrary to Policy PMD1, PMD2, CSTP22 and CSTP23 of the Thurrock Local Development Framework Core Strategy and Policies for Management of Development (as amended) (2015).

4.8.7 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	MA	JU	JU	AUG	SE	OCT	NO	DEC	JAN	FEB	MAR	
Total No of Appeals	3	7	3	1	14	5	3	5	9	8	9	9	76
No Allowed	1	0	0	0	3	0	2	1	3	3	1	1	15
% Allowed	33.33	0%	0%	0	21.4	0%	66.66	20	33.33	37.50	11.11	11.11%	19.73

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: **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.

9.0. 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

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Place