

16 July 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, Transport and Public Protection.		
Accountable Director: Andy Millard, Corporate Director – 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:** 18/01723/FUL

Location: Winsfield Heights, Old Hill Avenue, Langdon Hills

Proposal: Erection of new dwelling including the demolition of existing scout hut, outbuildings and associated resurfacing of vehicle access leading to dwelling.

3.2 **Application No:** 19/01685/HHA

Location: 14 Manor Road, Stanford Le Hope

Proposal: Part two-storey, part single-storey side extension on both sides. Part two-storey, part single-storey rear extension. Loft conversion and rear dormer windows.

3.3 Application No: 19/01184/FUL

Location: Land South Of Allotment Site And Adj 130 Heath Road, Chadwell St Mary

Proposal: Permanent siting of park home with associated hardstanding and landscaping

3.4 Application No: 19/01834/FUL

Location: OMG Desserts, 17 Grover Walk, Corringham

Proposal: Change of use from A1 (retail) use unit to A3 (café) use

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 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.

Appeal Decision: Appeal Dismissed

4.1.1 The main issue under consideration in this appeal was the effect of the development on the character and appearance of the host property and surrounding area.

4.1.2 The Inspector considered the proposed flat roofed rear dormer would be a large and overly dominant feature that would detract from the appearance of the host property and be out of keeping with and harmful to the character of the roofscape in the surrounding area.

4.1.3 Accordingly the appeal was dismissed for being contrary to policies CSTP22 & PMD2 of the Core Strategy and the NPPF.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 19/01642/FUL

Location: 37 Sanderling Close, East Tilbury

Proposal: Change of use from landscape setting to residential curtilage and erection of 1.8m high fence [Retrospective]

Appeal Decision: Appeal Dismissed

4.2.1 The main issue raised by this appeal was the effect of the development upon the character and appearance of the area.

4.2.2 The Inspector considered the development had removed the open character to this part of the estate and this was a diminution the character of the area which was harmful.

4.2.3 Accordingly the appeal was dismissed for being contrary to policies CSTP22 & PMD2 of the Core Strategy and guidance in the NPPF.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 19/01744/HHA

Location: The Warren, Ridgwell Avenue, Orsett

Proposal: (Retrospective) Garage conversion into habitable room

Appeal Decision: Appeal Allowed

4.3.1 The main issue was the effect of the development upon highway safety.

4.3.2 The Inspector observed that there was a high demand for on-street parking within the vicinity of the appeal site.

4.3.3 The Inspector considered the limited width of the garage space would render it extremely difficult to get into and out of a vehicle when parked within this space and furthermore, it would not be likely to lead to additional parking on street as there would be no change to the current parking circumstances at the appeal site.

4.3.4 Accordingly the appeal was allowed as it was considered the development would not harm highway safety. As such, the development would not materially conflict with the Core Strategy or the NPPF.

4.3.5 The full appeal decision can be found online.

4.4 Application No: 19/01747/FUL

Location: 65 Welling Road, Orsett

Proposal: (Retrospective) Change of use from amenity land to residential use. Erection of concrete post and timber fence along property boundary.

Appeal Decision: Appeal Allowed

- 4.4.1 The main issue raised by this appeal was the effect of the development upon the character and appearance of the area.
- 4.4.2 Although the Inspector found the open space to the side of the appeal property would have made some contribution to the openness and landscaped appearance of the area in the context of the overall estate this visual contribution would have been extremely limited, it was found.
- 4.4.3 The Inspector did not consider the tall fence would be substantially visually intrusive, noting that there are other examples where tall boundaries are visually apparent adjacent to highways within the context of the wider estate.
- 4.4.4 Accordingly the proposal was considered to accord with the relevant policies in the Core Strategy and the NPPF.
- 4.4.5 The full appeal decision can be found online.

4.5 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

Appeal Decision: Appeal Dismissed

- 4.5.1 The main issue under consideration in this appeal was the effect of the proposal to the Green Belt and to the character and appearance of the wider area.
- 4.5.2 The Inspector considered the proposal would give rise to a loss of openness of the Green Belt and would conflict with purposes of including land within it. The Inspector did not consider that the very special circumstances necessary to justify the development in the Green Belt exist. There would also be harm to the environmental dimension of sustainable development. The proposal's benefits would not clearly outweigh the substantial harm to the Green Belt and other harm identified.
- 4.5.3 Accordingly the appeal was dismissed for being contrary to policies CSSP4, PMD6 of the Core Strategy and the NPPF.

4.5.4 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	5	4	5										14
No Allowed	1	0	2										3
% Allowed	20.00%	0.00%	40.00%										21.43%

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 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