

13 August 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:** 19/01565/FUL

Location: 97 Sabina Road, Chadwell St Mary

Proposal: Development of a 3-bedroom residential dwelling house adjoining an existing, 2-bedroom residential unit on the land known as 97 Sabina Road, Chadwell St. Mary

3.2 Application No: 19/01317/HHA

Location: 23 Connaught Avenue, Grays

Proposal: (Retrospective) Hip-to-gable loft conversion with rear dormer, 3 front rooflights and Juliet balcony

3.3 Application No: 20/00067/FUL

Location: 53 - 55 Third Avenue, Stanford Le Hope

Proposal: Seven dwellings with associated access road, hardstanding, landscaping and bike stores following the demolition of two existing detached dwellings.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 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

Appeal Decision: Appeal Allowed

4.1.1 The Inspector considered that the main issues were the effect on the character and appearance of the surrounding area and the effect on highway safety.

4.1.2 The Inspector observed a varied layout within Wingfield Drive. He also noted that a general feeling of openness remained both in the area and towards the front of the property. As such the Inspector was satisfied that the development does not cause significant harm to the character and appearance of the surrounding area, and the objectives and requirements of policies CSTP22 and PMD2 of the Council's Core Strategy.

4.1.3 The Inspector was satisfied that the necessary alterations could potentially be made to improve the current access arrangement in terms of highway safety and the details of such could be submitted to the Council for subsequent written approval.

4.1.4 The enforcement notice was corrected and varied in such a way that the appeal was allowed and planning permission granted for the enclosure of

amenity land into an adjacent residential garden by the erection of a wooden fence with concrete posts subject to works being carried out to for sight splays.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 19/01087/CLOPUD

Location: Red Lion Cottage, Stanford Road

Proposal: Summer house

Appeal Decision: Appeal Dismissed

4.2.1 As this was an appeal against a certificate of lawfulness the Inspector noted that the planning merits of the proposed development were not relevant, and they were not therefore an issue for him to consider. His decision rested on the facts of the case, and on relevant planning law and judicial authority

4.2.2 The Inspector found the outbuilding would be sited forward of the principal elevation of the dwellinghouse and was contrary to the relevant criteria of the Part 1 to Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015 in that respect.

4.2.3 In addition the Inspector saw that the proposed summer house would be a substantial building of a size and with a layout of internal partitions similar to that of a medium sized dwelling and that it did not have the purpose and necessary incidental quality to comply with the relevant criteria of the GPDO in that respect. Accordingly, the outbuilding was found not to be lawful.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 19/00690/FUL

Location: Tyelands Farm House, South Hill, Langdon Hills

Proposal: Demolition of existing dwelling and other outbuildings along with the removal swimming pool, tennis courts and garaging to construct 2no. 4bed detached houses

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be whether i) the proposal constitutes inappropriate development in the Green Belt ii) whether there were any very special circumstances necessary to justify the proposal and iii) the effect of the development on the character and appearance of the area.

4.3.2 It was noted by the Inspector that while the proposal would involve a reduction in the amount of hard surfacing, built footprint and volume at the appeal site, the proposal would disperse the proposed built form further across the appeal site into areas that are currently open and devoid of visual obstruction. In light of this, the Inspector concluded the proposal would have a greater impact on Green Belt openness than the existing development. It would fail the second limb of the Framework paragraph 145(g) and therefore constitutes inappropriate development in the Green Belt, causing harm to the Green Belt, to which the Framework apports substantial weight.

4.3.3 By reason of harm of inappropriateness and harm to openness and lack of very special circumstances the proposal would conflict with Policies CSSP4 and PMD4 of the Core Strategy, which seek to maintain the purpose, function and open character of the Green Belt. The appeal was therefore dismissed.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 19/01608/HHA

Location: 87 Fullarton Crescent, South Ockendon

Proposal: Two storey side extension, chimney stack removal and formation of a new vehicular access to the highway

Appeal Decision: Appeal Allowed

4.4.1 The Inspector considered that the main issue for consideration was the effect the proposed development would have on the character and appearance of the area.

4.4.2 The Inspector observed the proposed side extension would result in a larger gap at the front between the neighbouring property at 85 Fullarton Crescent than existing. The Inspector observed a gap would be visible between the appeal property and its neighbour, that the proposal would increase separation at the ground floor and that the proposed extension would appear subservient to the host dwelling with a lower ridge height.

4.4.3 The Inspector concluded that the development was acceptable in terms of its effect on the character and appearance of the area, and would be in accordance with Policies CSTP22 and PMD2 of the Core Strategy.

4.4.4 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	4									18
No Allowed	1	0	2	2									5
% Allowed	20.00%	0.00%	40.00%	50.00%									27.78%

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