

17 September 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, 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:** 18/00551/FUL

Location: Land Adjacent Curling Lane Helleborine And Meesons Lane, Grays

Proposal: Revised proposals seeking the development of 8 no. new two bedroom semi-detached low carbon dwellings with associated access, car parking and amenity areas.

3.2 Application No: 20/00144/HHA

Location: 84 Christchurch Road, Tilbury

Proposal: Single storey front extension

3.3 Application No: 19/01390/FUL

Location: The Bungalow Bells Hill Road, Vange

Proposal: New 2 bedroom dwellinghouse

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 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)

Appeal Decision: Appeal Dismissed

4.1.1 The main issue under consideration in this appeal was the effect of the proposal on the character and appearance of the area.

4.1.2 The Inspector considered the proposal would not harm the living conditions of the occupants of surrounding properties, would afford suitable living conditions for future occupants and would not prejudice highway safety. Nonetheless, the scheme would harm the character and appearance of the area. It would therefore fail to fulfil the environmental objective of sustainability within the Framework. This was a matter which attracted significant weight against the development.

4.1.3 The Inspector concluded that the adverse impacts of the scheme would significantly and demonstrably outweigh the benefits associated with the provision of four additional dwellings at the site.

4.1.4 Accordingly the appeal was dismissed for being contrary to policies PMD2, CSTP22 and CSTP23 of the Core Strategy and the NPPF.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 19/01865/HHA

Location: 123 Southend Road, Grays

Proposal: Part first floor side extension and roof alterations

Appeal Decision: Appeal Dismissed

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 Inspector found the proposal would appear as a significantly sized side extension in comparison to the subservient nature of the existing single storey side extension at the site and those present within the immediate vicinity.

4.2.3 The proposal was found to be contrary to Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 19/01688/HHA

Location: 31 Edmund Road, Chafford Hundred

Proposal: Loft conversion including alterations to the main roofs ridge height and design and two side dormers and two side roof lights

Appeal Decision: Appeal Dismissed

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

4.3.2 The Inspector found the proposal would unbalance the consistency shared with No.29, to the detriment of the street scene and appear as a dominant and incongruous form of development when viewed in the street scene.

4.3.3 The proposal was found to be contrary to Policies PMD2 and CSTP22 of the Core Strategy.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 19/01163/HHA

Location: Ladysons Farm House, Prince Charles Avenue, Orsett

Proposal: Demolition of existing conservatory and erection of two storey rear extension with rear canopy and first floor balcony

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect on the openness of the Green Belt and whether the harm by reason of inappropriateness would be clearly outweighed by other considerations, and whether these matters would amount to the very special circumstances required to justify the proposal.

4.4.2 The Inspector found the proposal would be disproportionate in size and would be inappropriate development within the Greenbelt and therefore harmful. The Inspector also found that the proposal would result in a loss of openness which would be moderately harmful. The Inspector concluded that the other considerations in the case did not clearly outweigh the harm and that the very special circumstances necessary to justify the development in the Green Belt did not exist.

4.4.3 The proposal was found to be contrary to Policy PMD6 of the Core Strategy and the Green Belt objectives of the NPPF.

4.4.4 The full appeal decision can be found online.

4.5 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.

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the main issues to be whether the proposal would be inappropriate development in the Green Belt; the effect on the openness of the Green Belt and whether the harm by reason of inappropriateness would be clearly outweighed by other considerations, and would these amount to the very special circumstances required to justify the proposal; the effect of the development on the character and appearance of the area; and the effect of the proposed development on highway safety.

4.5.2 The Inspector found the proposal does not comply with any of the listed exceptions within paragraph 145 of the NPPF, and would be inappropriate development within the Greenbelt and therefore harmful. The Inspector

concluded that the other considerations in the case do not clearly outweigh the harm and that the very special circumstances necessary to justify the development in the Green Belt do not exist.

- 4.5.3 The Inspector concluded that the proposed development is compatible with its surroundings and would not result in harm to the character and appearance of the area.
- 4.5.4 The Inspector considered that the proposal would result in an adverse effect on highway safety.
- 4.5.5 The proposal was found to be contrary to Policy CSSP4, PMD6 and PMD9 of the Core Strategy and the Green Belt objectives of the NPPF.
- 4.5.6 The full appeal decision can be found online.

4.6 Application No: 19/01254/HHA

Location: Tall Trees, 106 Lodge Lane, Grays
 Proposal: Erection of a perimeter wall to front of property with electric sliding gates for pedestrian and vehicular access (Retrospective)
 Appeal Decision: Appeal Dismissed

- 4.6.1 The Inspector considered the main issues to be the effect of the development on the character and appearance of the area and the effect of the proposed development on highway safety.
- 4.6.2 The Inspector considered that the development would not be in keeping with boundary treatments of other properties in the surrounding area and would therefore be harmful to the character and appearance of the area. The development would also result in harm to pedestrian safety.
- 4.6.3 The proposal was found to be contrary to Policy CSTP22, PMD2 and PMD9 of the Core Strategy and the Green Belt objectives of the NPPF.
- 4.6.4 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	
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Total No of Appeals	5	4	5	4	6								24
No Allowed	1	0	2	2	0								5
% Allowed	20.00%	0.00%	40.00%	50.00%	0%								20.83%

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