

26 November 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, Assistant Director –Planning, Transportation and Public Protection.		
Accountable Director: Andy Millard, 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:** 20/00168/HHA

Location: 26 Whitmore Avenue, Stifford Clays

Proposal: Single storey front extension

- 3.2 **Application No: 20/00488/FUL**
Location: 1 Quarry Mews, Purfleet
Proposal: Retrospective planning permission for erection front boundary fence, the erection of side and rear boundary wall with the change of use from amenity land to residential use
- 3.3 **Application No: 20/00096/FUL**
Location: Tywinds, Warren Lane, Grays
Proposal: Construction of 2 x 1 bedroom flats with a vehicle crossover
- 3.4 **Application No: 20/00526/FUL**
Location: 101 Feenan Highway, Tilbury
Proposal: Erection of new dwelling with associated hardstanding and vehicular access. Ground floor rear extension to existing dwelling and new vehicular access.
- 3.5 **Application No: 19/00807/OUT**
Location: Land Adjacent Gunning Road Newburgh Road And Globe Industrial Estate, Towers Road, Grays
Proposal: Outline planning application for light industrial units, use class B1 (c) with associated hardstanding and acoustic fencing following partial demolition of existing warehouse building. To include determination of the matters of access, landscaping, layout and scale (matters relating to appearance reserved).
- 3.6 **Application No: 19/01518/FUL**
Location: 7 Churchill Road, Grays
Proposal: Erection of new 1no 2bed dwelling to flank wall of existing property with vehicular access and associated landscaping

- 3.7 Application No: 20/00251/FUL**
- Location: 32 Lancaster Road, Chafford Hundred, Grays
- Proposal: Demolition of existing double garage, subdivision of existing plot and the construction of a new detached dwelling, including off-street parking, private garden amenity space and associated development
- 3.8 Application No: 20/00633/CLOPUD**
- Location: Glenfield, Brentwood Road, Bulphan
- Proposal: Outbuilding incidental to the main dwelling
- 3.9 Application No: 20/00713/PHA**
- Location: 64 Moore Avenue, South Stifford, Grays
- Proposal: Single storey rear extension with a depth of 6 metres, maximum height of 3.27 metres and eaves height of 3 metres
- 3.10 Application No: 20/00610/FUL**
- Location: Land To Rear Of 14 Corringham Road, Stanford Le Hope
- Proposal: Demolition of existing single storey vacant garage unit and erection of a two storey four bedroom residential dwelling with living space in the roof, internal garage and associated amenity and parking areas. Resubmission of 19/01094/FUL [Demolition of existing garage and erection of three storey residential building providing 2 no. 2 bedroom residential units with undercroft parking]

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 18/00044/BUNWKS

Location: Land Adjacent Holly Drive And Sycamore Way, South Ockendon

Proposal: Application 15/00186/FUL seems to be being carried out even though application refused. A fence is erected around the area and work is being carried out

Appeal Decision: Appeal Allowed

4.1.1 The appeal was against an Enforcement Notice served on an alleged change of use of Land from open Green Belt to enclosed residential amenity land for use in connection with No 7 Laurel Drive and associated operational development.

4.1.2 The appellant had appealed on 4 grounds, but the starting point for consideration was ground (b) – that the development had not occurred as a matter of fact.

4.1.3 The Inspector considered that the Land had not been subsumed into the appellant's garden and considered that the appellant had maintained the Land as a buffer, maintaining the trees and other vegetation and was not persuaded that the Land had changed in character to one of a domestic nature.

4.1.4 Accordingly, the appeal on ground (b) succeeded, as the Inspector found no change of use, the Notice was quashed and no consideration of any other grounds was needed.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 19/01781/CLOPUD

Location: Hill House, High Road, Orsett

Proposal: Erection of Outbuilding for Use as a Games Room, Gymnasium and Garden Room Incidental to the Enjoyment of the Dwelling

Appeal Decision: Appeal Allowed

- 4.2.1 The application was for a Certificate of Lawfulness, rather than a Planning Application and the question for the Inspector was not one of planning judgement, but a legal determination.
- 4.2.2 The Inspector considered there would be a functional relationship between the building and the main dwelling and he considered that the building would be used incidentally to the main house.
- 4.2.3 The appeal was allowed as the Inspector found the building to be lawful.
- 4.2.4 The full appeal decision can be found online.

4.3 Application No: 18/00124/BUNWKS

Location: Sumet, Mucking Wharf Road, Stanford Le Hope
Proposal: Erected a dwelling without the benefit of planning permission
Appeal Decision: Appeal Dismissed (Please see below for full description)

- 4.3.1 The appeal was against an Enforcement Notice served against an unauthorised dwelling. The dwelling had been constructed without planning permission in the Green Belt and close to a Grade II* listed building. The Council served an Enforcement Notice to remedy the harm caused to the listed building and the Green Belt.
- 4.3.2 The appellant had appealed on 3 grounds: ground (b) – that the development had not occurred as a matter of fact; ground (d) that the alleged development is immune from enforcement action due to passage of time and ground (g) that the compliance period is too short and a longer period should be granted.
- 4.3.3 ground (b) – The Inspector agreed with the Council that the structure on site is of such a size and permanence that as a matter of fact and degree it should be regarded as a building; the Inspector agreed with the Council that the description of the structure should be a bungalow. The appeal on ground (b) therefore failed.
- 4.3.4 ground (d) – The Inspector agreed with the Council that as the structure should be considered to be a building, the 4 year time period applied and that as the building commenced in late 2017 or early 2018, with the Enforcement Notice being served in February 2020, the development was not immune from enforcement action. The appeal on ground (d) therefore failed.
- 4.3.5 ground (g) – The Council had sought a 3 month compliance period and the appellant a 12 month compliance period. The Inspector considered a compromise period of 6 months should be given to allow the current occupiers time to find new accommodation. The appeal on ground (g) therefore succeeded.

4.3.6 Members will note that the Appeal Decision is described as allowed, but this is only for one part of the Notice, the compliance period (this is how decision of this type are described by the Inspectorate). The Enforcement Notice served by the Council has been upheld, but varied. The Council has succeeded in enforcing against an authorised dwelling that was causing harm to a listed building and the Green Belt and this will be removed.

4.3.7 The full appeal decision can be found online.

4.4 Application No: 20/00499/HHA

Location: 1 Clover Court, Grays

Proposal: Single storey side and rear extension

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered that the main issues were the effect on the character and appearance of the application site and surrounding area.

4.4.2 The Inspector observed that the property is of a quite simple design; the proposal would more or less double the ground floor footprint of the dwelling house, and it would project above the boundary fence that encloses part of the side garden and the whole of the rear garden. It was considered by the Inspector that the size and location of the proposed extension, together with its flat roof design, would be excessive in scale and would not respect the appearance of the property. It was also noted that the expanse of flat roofing would result in a feature with a box like appearance, which represents poor design and appears unsympathetic to the host dwelling appearance.

4.4.3 Further it was also considered the width of the side extension would appear at odds with the set back of front and side elevations of dwellings that characterise the pattern of development in Churchill Road and the other streets leading off it. It was concluded that the proposed development would cause unacceptable harm to the character and appearance of the property and the surrounding area and accordingly the appeal was dismissed.

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	
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Total No of Appeals	5	4	5	4	7	0	4						29
No Allowed	1	0	2	2	0	0	3						8
% Allowed	20.00%	0.00%	40.00%	50.00%	0%	0%	75.00%						27.59%

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