

<b>10 February 2022</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Louise Reid, Strategic Lead for Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director for Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Julie Rogers, 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:** 21/01496/HHA

Location: 2 Northlands Close, Stanford Le Hope

Proposal: Single storey side extension with hipped roof and 1 rooflight. Adjustments to flank window at first floor level.

- 3.2 **Application No:** **21/01241/HHA**  
Location: 84 Bradleigh Avenue, Grays  
Proposal: Two storey side extension and part single storey, part two storey rear extension with Juliette balcony.
- 3.3 **Application No:** **20/01094/HHA**  
Location: 24 Bata Avenue, East Tilbury  
Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.
- 3.4 **Application No:** **20/01095/LBC**  
Location: 24 Bata Avenue, East Tilbury  
Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.
- 3.5 **Application No:** **21/00243/FUL**  
Location: Wick Place Cottage, Brentwood Road, Bulphan  
Proposal: Demolition of existing outbuildings, replacement of former smithy to create new dwelling and erection of new dwelling, including associated development and access.
- 3.6 **Application No:** **20/00337/HHA**  
Location: 6 Woolings Row, Baker Street, Orsett  
Proposal: Two storey side extension including carport
- 3.7 **Application No:** **21/00260/FUL**  
Location: Land Rear Of 42-44 Fairview Avenue, Stanford Le Hope

Proposal: Demolition of the existing single storey garages and concrete plinth to be replaced with 3No. one bedroom flats over 2 floors. The new two storey building has been designed to match the aesthetic and layout of the immediately adjacent residential block known as Whitwell Court. The development will provide communal grounds, bin stores and resident and visitor parking.

**3.8 Application No: 21/01258/HHA**

Location: 25 Brandon Close, Chafford Hundred, Grays

Proposal: Loft Conversion with three rear dormers and one front dormer.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 20/01505/FUL**

Location: Montrose, 168 Branksome Avenue, Stanford Le Hope

Proposal: Demolition of the existing bungalow and the construction of 4 new dwellings with associated access road, hardstanding, landscaping and two vehicular access points (resubmission of 19/00379/FUL  
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 Allowed

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

4.1.2 The Inspector found there would as a consequence of the proposal be harm to the character and appearance of the area. The harm would be limited, but would conflict with policies PMD2, CSTP22 and CSTP23 of the Core Strategy as those policies emphasise the character of the Homesteads Ward as a key issue, and include requirements broadly for

development to respond to local context and to contribute positively to the character of the surrounding area.

4.1.3 Nonetheless, the Inspector noted the results of the Housing Delivery Test 2020 show that housing delivery over the previous 3 years has been only 59% of the target level, and that the Council is also unable to demonstrate a 5-year supply of deliverable housing sites. The Council could not provide evidence to the contrary, and the presumption in favour of sustainable development test set out in paragraph 11(d) of the Framework was therefore engaged. This provides that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

4.1.4 In applying the presumption at paragraph 11(d) of the Framework, the starting point is that permission should be granted. The Inspector concluded that in this case that the modest adverse impacts of the development would not significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole. The presumption in favour of sustainable development therefore applied, and the Inspector considered it be a material consideration sufficient to outweigh the harm to the character and appearance of the area and the conflict with policies PMD2, CSTP22 and CSTP23 of the Core Strategy. Accordingly, the appeal was allowed.

4.1.5 The full appeal decision can be found online.

## 5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0	7	6	10	1	2	1	1			23
No Allowed	0	1	0	4	0	3	1	0	1	1			11
% Allowed	0%	25%	0%	57.14%	0%	30%	100%	0%	100%	100%			47.83%

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

**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: **Mark Bowen**  
**Interim 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](http://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