

20 October 2022		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Beverly Kuchar, Interim Strategic Lead for Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director for Planning, Transportation and Public Protection.		
Accountable Director: Julie Rogers, Director of Public Realm		

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: 22/00809/CLEUD

Location: St John The Baptist Church, Stanford Le Hope, SS17 0RN

Proposal: Certificate of lawful use in respect of use of Land as a Caravan Site.

3.2 Application No: 22/00213/HHA

Location: 11C Stifford Road, South Ockendon, RM15 4BS
Proposal: Formation of new vehicular crossover to access the highway

3.3 Application No: 22/00382/HHA

Location: Velminster Cottage Romford Road, Aveley, South Ockendon
Proposal: Two storey side extension incorporating car port, front porch addition and alterations to window layout and external materials

3.4 Application No: 21/02186/FUL

Location: Globe Industrial Estate, Unit 29A, Rectory Road, Grays RM17 6ST
Proposal: Conversion and change of use of vacant warehouse/office (B8 use) to a place of worship and community centre (falling under a dual F.1 and F.2 use) including minor external alterations to fenestration in both front and rear elevations.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/00453/FUL

Location: South Ockendon Hall Farm, North Road, South Ockendon, Essex, RM15 6SJ
Proposal: Construction of new farm vehicular access and associated farm track from North Road
Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be:

- a) The effect of the proposed development on trees and biodiversity;
- b) The effect of the proposed development on highway safety; and
- c) Whether the proposal would preserve the setting of Gatehouse and Moat of South Ockendon Old Hall, (Scheduled Ancient Monument 'SAM') and Moat Bridge and Gatehouse at South Ockenden Old Hall (Grade II Listed).

(a) The effect of the proposed development on trees and biodiversity

4.1.2 The Inspector considered that the appellant had failed to demonstrate that the proposal would not have a net adverse impact on trees or biodiversity. Accordingly, there would be a conflict with Policy PMD2 of the Core Strategy which seeks to secure development proposals that have followed a full investigation of the magnitude of change, protect features of landscape and wildlife value, such as woods and hedges and mitigates negative impacts. There would also be a conflict with Policy PMD7 of the Core Strategy which requires developers to submit a detailed justification, including ecology surveys where appropriate, when there would be biodiversity loss. The conflict carried significant weight because the policies are consistent with the National Planning Policy Framework.

(b) The effect of the proposed development on highway safety

4.1.3 The proposed highway access would be taken from North Road (B186). The Inspector concluded the access would be safe, and its use would not harm the free flow of traffic or highway capacity. As a result, there would be no conflict with Policy PMD2 and PMD9 and there would be clear benefits from providing the proposed access.

(c) Whether the proposal would preserve the setting of Gatehouse and Moat of South Ockendon Old Hall (SAM) and Moat Bridge and Gatehouse at South Ockenden Old Hall (Grade II Listed)

4.1.4 The Inspector considered the proposal would preserve (not harm) the general rural character of the setting of the historic complex and how it is experienced. As a result, there would be no conflict in this respect with Policy PMD4 of the Core Strategy.

4.1.5 The Inspector concluded the proposed development would not harm highway safety or impact on heritage matters, but it would result in significant tree, hedge and habitat loss without adequate analysis and justification. The proposal would therefore conflict with the development plan taken as a whole and there were no other considerations which he considered outweighed these findings.

4.1.6 The full appeal decision can be found online.

4.2 Application No: 21/01611/FUL

Location: 50 Giffordside, Chadwell St Mary RM16 4JA

Proposal: Demolition of existing side extension: single storey extension to existing property and erection of end of terrace part two storey and part single storey dwelling with off street parking and rear amenity space

Appeal Decision: Appeal Dismissed

- 4.2.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the area.
- 4.2.2 The Inspector considered the irregular footprint of the proposed dwelling, featuring a dog leg to the flank wall would mean the dwelling would be noticeably wider at the front than the rear and would therefore be at odds with the simple architectural form of the buildings on Giffordside. The proposal would also be highly prominent from an adjacent footpath.
- 4.2.3 The proposal was therefore considered to be harmful to the character and appearance of the area, contrary to Policies PMD2 and CSTP22 of the Core Strategy. The Inspector accordingly dismissed the appeal.
- 4.2.4 The full appeal decision can be found online.

4.3 Application No: 21/01734/FUL

Location: 6 Elm Terrace, Grays RM20 3BP

Proposal: Conversion existing bedroom and bathroom side of main building and construction of double storey side extension as a self-contained one-bedroom flat.

Appeal Decision: Appeal Dismissed

(a) The Inspector considered the main issues to be (a) the effect on the character and appearance of the area and (b) whether sufficient parking would be provided.

(a) The effect on the character and appearance of the area

- 4.3.2 The Inspector noted that the proposed ground floor window to the front elevation would appear overly large, extending up to the boundary on one side and abutting the front door on the other. This would not reflect the rhythm and pattern of the fenestration withing the wider terrace and would present a poor façade to the street scene.
- 4.3.3 Furthermore, the Inspector noted the plans did not show the position of the adjoining tree which currently has branches that overhang the existing single storey extension. The Inspector concluded that the proposal would have a harmful impact on the character and appearance of the host property and the wider area. It would thereby conflict with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

(b) Whether sufficient parking would be provided

4.3.4 The Inspector noted a single parking space was indicated to be provided at the end of the unmade road to the front of the site and outside of the red edged application site, in a position that would be difficult, if not impossible to manoeuvre into and out of. The Inspector concluded in the absence of any contrary information or reasoning to justify the absence of parking provision, the proposal would be likely to result in increased parking stress with the potential to have a harmful effect on highway safety and therefore fail to comply with policies PMD2, PMD8 and PMD9 of the Core Strategy.

4.3.5 The full appeal decision can be found online

4.4 Application No: 21/02043/HHA

Location: 9 Langthorne Crescent, Grays RM17 5XA

Proposal: Part first floor side extension

Appeal Decision: Appeal Allowed

4.4.1 The Inspector considered that the main issue was the effect on the character and appearance of the host property and wider street scene.

4.4.2 The Inspector noted that the appeal property, and those along the northern side of the road, have large projecting front gables with bay windows beneath which provide distinctive and prominent features in the street scene. The Inspector considered whilst the design and appearance of the original semi-detached properties in the row within the appeal site is located has a relatively uniform and distinctive appearance, the layout of the dwellings varies considerably such that there is no similar uniformity to the gaps between the semi-detached pairs.

4.4.3 The Inspector concluded that whilst it would reduce the visual gap between Nos 7 and 9 at first floor level, the extension would not have an unacceptable harmful impact given the lack of uniformity with the wider streetscene and the limited view from which it would be apparent, and it would thereby accord with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 21/01886/HHA

Location: 13 Arisdale Avenue, South Ockendon RM15 5AS

Proposal: Demolition of existing garage and erection of two storey side extension and single front extension.

Appeal Decision: Appeal Allowed

4.5.1 The Inspector consider the main issues were the effect on (a) the character and appearance of the host property and street scene (b) highway safety.

(a) the character and appearance of the host property and street scene

4.5.2 The Inspector considered that whilst the two-storey side extension and single storey front extension would extend beyond the 'notional building line' created by the properties to the north of the application site this would not be harmful, and the extensions would reflect a 'seamless' approach as referred to in the RAE SPD guidance. The Inspector concluded that the proposed extension would not have a detrimental impact on the street scene and would successfully integrate with the host dwelling. As such it would accord with Policies PMD2, CSTP22 and CSTP23 of the Core Strategy

(b) highway safety.

4.5.3 The Inspector noted that there were two vehicles parked in the area to the front of the dwelling which would be acceptable for the dwelling.

4.5.4 The full appeal decision can be found online.

4.6 Application No: 21/01979/HHA

Location: 249 Princess Margaret Road, East Tilbury RM18 8SB

Proposal: Demolition of the existing single storey side extension and conservatory and erection of single storey side/rear extension, erection of a new brick wall with access gates to the front boundary, and erection of new outbuilding to the rear garden.

Appeal Decision: Appeal Dismissed (in relation to the outbuilding)
/Allowed (in relation to the extension and walls)

4.6.1 The Inspector considered the main issue to be the effect of proposed outbuilding on the character and appearance of the East Tilbury Conservation Area.

4.6.2 The Inspectors found that proposed outbuilding would occupy a large portion of the property's rear garden and as a result of its size, it would be unduly dominating within its context. The Inspector also noted whilst it would be of brick elevations to match the host building it would have a very low pitch roof, almost flat. This would be at odds with the host dwelling which has a hipped tiles roof and would introduce a building that would be out of character within its context. The addition of the proposed decking would result in built development occupying most of the garden area. Overall, this would be to the detriment of the character of the area which, as

identified in the Conservation Area, is noted for the contribution that the undeveloped natural garden areas make and its distinctive architecture.

4.6.3 The Inspector concluded the proposal in respect of the outbuilding would fail to preserve or enhance the character or appearance of the East Tilbury Conservation Area. It would thereby conflict with Policies PMD2, CSTP22, CSTP23 and CSTP24 of the Core Strategy which seek to ensure that development preserves or enhances the historic environment and is the most appropriate for the heritage asset and its setting and which seek high quality development that responds to the sensitivity of the site and its local context

4.6.4 The full appeal decision can be found online.

4.7 Application No: 21/00646/FUL

Location: 14 Diana Close, Chafford Hundred, Grays RM16 6PX

Proposal: Change of use of amenity land to residential and the re-siting of the boundary wall.

Appeal Decision: Appeal Dismissed

4.7.1 The Inspector consider the main issues to be the effect on (a) the character and appearance of the host property and street scene (b) highway safety.

(a) the character and appearance of the host property and street scene

4.7.2 The Inspector considered the proposed height of the re-positioned wall and its proximity to the pavement would result in a solid and dominant barrier within the street scene. Whilst the wall would be set back 1m from the pavement leaving a narrow grass verge, it would nevertheless create a prominent and uncharacteristic sense of enclosure at odds with the open character of the estate. The proposal would result in the loss of a sizeable part of the open landscaped space which contributes to the character and appearance of the area. That would be harmful to the established street scene.

4.7.3 The Inspector concluded that the proposal would be harmful to the character and appearance of the area due to the height and positioning of the boundary wall and the loss of part of the landscaped area to the side of the property and contrary to Policies PMD2 and CSTP22 of the Core Strategy

(b) highway safety

4.7.4 The height of the proposed wall and its proximity to the highway would to some extent reduce forward visibility for drivers travelling southbound on Camden Road. The proposal would also reduce visibility for drivers emerging from Diana Close onto Camden Road as the wall would partly block the line of sight to the south. The Inspector could not be satisfied that this would not result in a hazard for motorists and the proposal would therefore conflict with Policy PMD9 of the Core Strategy.

4.7.5 The full appeal decision can be found online.

4.8 Application No: 21/01629/FUL

Location: 5 Malpas Road, Chadwell St Mary, RM16 4QX

Proposal: New dwelling to side plot adjacent to 5 Malpas Road including new vehicle access from Malpas Road.

Appeal Decision: Appeal Dismissed

4.8.1 The Inspector considered that the main issue was the effect on the character and appearance of the dwelling and wider street scene, and highway safety arising from the parking and access arrangement.

4.8.2 It was identified the appeal site comprised of a generous sized side garden area of an end terraced property within a residential area. The site is located at the end of a cul-de-sac adjacent to the turning head set at right angles to the road. The wider street scene of Malpas Road is characterised by long terraces of dwelling with some shorter terraces to the west, including that adjacent to the appeal site, which fronts a grassed area and footpath leading to the adjoining road to the north, Ingleby Road.

4.8.3 The proposal would involve an extension to the terrace into the side garden to form a new two storey one bed dwelling continuing the ridge height, pitched roof form and depth of the two-storey element of the existing terrace with single storey element to the rear.

4.8.4 The comparatively narrow width of the dwelling would not, in the Inspectors view be particularly noticeable but the position, size and design of the ground floor openings within it would appear cramped and would not reflect the rhythm and pattern of the adjoining terrace.

4.8.5 The Inspector concluded that, for the reasons set out above the proposal would have a harmful impact on the character and appearance of the host property and the wider area. It would thereby conflict with Policies PMD2, CSTP22 and CSTP23 of the Thurrock Core Strategy (2015) and it would fail to satisfy the aims and objectives of the RAE and the RAE

4.8.6 The full appeal decision can be found online

4.9 Application No: 21/01072/HHA

Location: 1 Inglefield Road, Fobbing, Essex, SS17 9HW

Proposal: Hipped to clipped hipped roof extension with front dormer, extension of rear dormer and front rooflight to be reposition.

Appeal Decision: Appeal Dismissed

- 4.9.1 The Inspector considered the main issues of the appeal to be whether the proposed development would be inappropriate development in the Green Belt, the effect of the proposal on the openness of the Green Belt; the effect of the development on the character and appearance of the area; and if the development would be inappropriate, whether the harm to the Green Belt by way of inappropriateness and any other harm, would be clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.
- 4.9.2 The Inspector drew attention to previous extensions at the site, which when viewed in addition to the proposal would represent a disproportionate increase in floor area over the original building and would exceed the two reasonably sized room allowance referred to with Thurrock's Core Strategy Policy PMD6 . Whilst the proposed uplift in floorspace would only by 14 sqm, the Inspector found it would not be proportionate in the context of the size of the original dwelling, which had already been substantially enlarged. In addition, the increase in width of the rear dormer and built form at first floor level of the dwelling would result in greater visual bulk. It was concluded that the scale of the extensions, taken in combination with previous extensions, would represent a disproportionate addition over and above the size of the original building. It was also deemed that the proposal by reason of its additional bulk and volume as a result of the enlargement of the rear dormer and alteration of the roof would materially impact on openness in a spatial aspect resulting in some limited harm to the Green Belt.
- 4.9.3 Whilst very special circumstances were submitted as part of the proposal, in particular what developments could be carried out at the site under Permitted Development, the Inspector commented that the prior approval scheme, if granted, would lead to a smaller increase in added bulk and volume and would have less of an impact on the spatial and visual openness of the Green Belt.
- 4.9.4 With regards to character and appearance it was considered that the proposed development by reasons of its bulk and mass would have an adverse impact on the character and appearance of the host dwelling and surrounding area. It would conflict with Policies CSTP22 and PMD2 of the Core Strategy, the Framework and the 'Residential Extensions and Alterations' (SPD) which together seek to ensure proposals are well-

designed and do not harm their surrounding contexts. Subsequently the appeal was dismissed.

4.9.5 The full appeal decision can be found online.

4.10 Enforcement No: 21/00099/AUNUSE

Location: Land at Fort Road, Tilbury, Essex, RM18 8UL

Proposal: Unauthorised encampment

Appeal Decision: Appeal Dismissed

4.10.1 The appeal against the Enforcement Notice was made only on ground (g), that the compliance period of the Notice was too short.

4.10.2 To succeed on this ground the Inspector noted, it must be demonstrated that the period for compliance set out in the notice falls short of what should reasonably be allowed. The appellant suggested a longer period of 12 months to allow for court proceedings and for vacant possession to be obtained. While the appellant had not provided an update on those actions, the Council had confirmed to the Inspector that the appeal site had been cleared.

4.10.3 The Inspector therefore found it could only follow that a 2-month period for compliance (as requested by the Council in the Notice) was not unreasonable.

4.10.4 Accordingly the Notice was upheld, and the appeal dismissed.

4.10.5 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	7	3	-	2	1	7	5						25
No Allowed	4	1	-	0	0	5	0						10
% Allowed	57%	33%	-	0%	0%	71%	0%						40%

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 Head of Legal

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry.

During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably. Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due.

8.3 **Diversity and Equality**

Implications verified by: **Roxanne Scanlon**
**Community Engagement and Project
Monitoring Officer**

There are no direct diversity implications to this report.

8.4 **Other implications** (where significant) – i.e. Staff, Health Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children.

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