

<b>16 November 2022</b>		<b>ITEM: 5</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> Jonathan Keen, Interim Strategic Lead for Development Services		
<b>Accountable Assistant Director:</b> Leigh Nicholson, Assistant Director of Planning, Transportation and Public Protection.		
<b>Accountable Director:</b> Mark Bradbury, Interim 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:** 22/00375/FUL

Location: 43 Purfleet Road, Aveley, South Ockendon RM15 4DR

Proposal: Proposed redevelopment to provide 6 semi-detached houses (2 no. 3x bedroom and 4 no. 4 bedroom) and

new vehicle access and pedestrian access to Purfleet Road.

**3.2 Application No: 22/00596/PNTC**

Location: Telecommunications Mast, Crammavill Street, Stifford Clays

Proposal: Proposed 5G telecoms installation: Phase 8 15m high street pole with wrap-around cabinet and 3 further additional equipment cabinets.

**3.3 Application No: 21/01781/FUL**

Location: Land Adjacent 2, Fort William Road, Vange, Essex

Proposal: Change of use of land to residential use for the stationing of 1 No. residential static caravan and dayroom, storage of hardcore and upgrading of existing access. Retention of use of land for storage of 1 No. touring caravan and standing of field shelter.

**3.4 Application No: 21/02062/OUT**

Location: Malvina Close, Lower Dunton Road, Horndon on The Hill, Essex

Proposal: Outline planning application for the provision of up to 5 custom-build dwellings with all matters reserved (resubmission of 20/01514/OUT)

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 21/00412/HHA**

Location: Talford, Horndon Road, Horndon On The Hill SS17 8PD

Proposal: Removal of conservatory and build new single storey rear extension

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered the main issues to be: whether the proposal would be inappropriate development in the Green Belt having regard to the Framework and any relevant development plan policies; the effect of the

proposal on the openness of the Green Belt; and whether any harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

- 4.1.2 The Inspector found that although the proposed uplift in floorspace as part of this application would be “modest” at 10sq.m., taken into account with other previous extensions and outbuildings the extension would exceed the 2 reasonable sized room allowance set out in Policy PMD6 and would be unacceptable. He also found there would be an impact on both the spatial and visual openness of the Green Belt. Therefore, the proposal represented inappropriate development in the Green Belt.
- 4.1.3 None of the matters put forward by the appellant were considered to overcome the significant harm to the Green Belt as a result of inappropriateness. No very special circumstances were therefore identified to justify the development.
- 4.1.4 The appeal was therefore dismissed
- 4.1.5 The full appeal decision can be found online.

**4.2 Application No: 22/00279/HHA**

Location: 2 Avondale Gardens, Stanford Le Hope, Essex, SS17 8DB

Proposal: Two storey side extension

Appeal Decision: Appeal Dismissed

- 4.2.1 The main issues related to the impact upon character and appearance of the street scene.
- 4.2.2 The Inspector considered that the two-storey side extension, given its size and continuation of the front building line, would have a harmful impact upon the openness of this corner plot, leading to a cramped development detrimental to the street scene.
- 4.2.3 The appeal was dismissed.
- 4.2.4 The full appeal decision can be found online.

**4.3 Application No: 21/02105/HHA**

Location: 96 Hemley Rod, Orsett, Grays, Essex, RM16 3DQ

Proposal: (Retrospective) First floor and part two storey side extension and garage conversion.

Appeal Decision: Appeal Dismissed

- 4.3.1 The Inspector considered the main issues to be the effect of the development on the character and appearance of the host dwelling and surrounding area.
- 4.3.2 Given the location of the site in such a prominent location, where both the front and rear of the first floor are publicly visible, the Inspector considered that the development was poorly related to the design and roof forms of surrounding dwellings to the detriment of the character and appearance of the surrounding area and contrary to Policies CSTP22 and PMD2 of the Core Strategy.
- 4.3.3 The appeal was therefore dismissed
- 4.3.4 The full appeal decision can be found online.

**4.4 Application No: 21/02152/HHA**

Location: 21 Astley, Grays, Essex, RM17 6UY

Proposal: Loft conversion with rear dormer and front velux windows.

Appeal Decision: Appeal Dismissed

- 4.4.1 The main issues relating to this appeal were effect of the proposed rear dormer window upon the existing building and the character and appearance of the locality.
- 4.4.2 The inspector considered that the proposed dormer window would be overcomplicated in design and would be uncharacteristic of the existing building and locality. The proposal would therefore be contrary to Policy PMD2 and Policy CSTP22 of the Core Strategy.
- 4.4.3 The appeal was dismissed.
- 4.4.4 The full appeal decision can be found online.

**4.5 Application No: 21/01987/FUL**

Location: 58 Brentwood Road, Chadwell St Mary, Grays, Essex, RM16 4JP

Proposal: 1 bedroom annexe to be used in association with C3(b) Dwellinghouse where care is provided

Appeal Decision: Appeal Dismissed

- 4.5.1 The Inspector considered the main issues to be: The effect of the proposed development on the character and appearance of the host building and the locality; the effect of the proposed development upon the living conditions of future occupiers with regards to natural light and ventilation; and whether the proposed development has demonstrated sufficient parking and layout in accordance with development plan policies.
- 4.5.2 The Inspector found the building would be like nothing else in the locality, with surrounding garden sheds being modest in size with surrounding properties maintaining large areas of open and undeveloped garden. The proposed building would therefore not have a subservient scale and would have a domineering appearance to the rear garden which would substantially increase the amount of built form to this locality and it would be contrary to Policies PMD2 and CSTP22 in that respect.
- 4.5.3 Living conditions, as shown on the plans were not considered to be of a particularly high quality, but the Inspector found these could be resolved via a suitably worded condition, so no objection was raised on these grounds.
- 4.5.4 The Inspector considered the proposed parking was not appropriately located and occupiers would be unlikely to use it due to the location and lack of safe pedestrian access and would be more likely to park on the highway on Brentwood Road, to the detriment of pedestrian and highways safety contrary to Policies PMD2 and PMD8 of the Core Strategy.
- 4.5.5 Accordingly the appeal was dismissed.
- 4.5.6 The full appeal decision can be found online.

**4.6 Application No: 21/01719/HHA**

Location: Tyndall Cottages, 33 Christchurch Road, Tilbury, Essex RM18 7RD

Proposal: Demolition of existing conservatory and side porch for new single storey side extension.

Appeal Decision: Appeal Allowed

- 4.6.1 The main issue relating to this appeal was the effect of the character and appearance of the host property and area.
- 4.6.2 The appeal property and No 31 opposite, are orientated to face Christchurch Road, and are well separated from the houses front Manor Road with deep rear gardens.

- 4.6.3 The Inspector stated that notwithstanding its position forward of the Manor Road building line, the modestly sized extension would not disrupt the existing building line or dominated the corner plot. The proposed extension would respond positively to its context.
- 4.6.4 The inspector concluded the proposed extension would respect the character and appearance of the host property and the wider area.
- 4.6.5 The full appeal decision can be found online.

**4.7 Application No: 20/01631/HHA**

Location: 363 London Road, South Stifford, Grays, RM20 4AA

Proposal: Retrospective application for a lean-to extension along the side of the house.

Appeal Decision: Appeal Dismissed

- 4.7.1 The main issues relating to this appeal were the impact upon character and appearance of the building, and the effect upon the living conditions of the neighbours at no. 365 London Road.
- 4.7.2 The Inspector considered that the use of polycarbonate roofing was not appropriate and did not represent high quality, neither appearing in keeping with the architectural integrity or authenticity of the dwelling or locality and was contrary to Policies CSTP22 and PMD2.
- 4.7.3 The Inspector did not consider the development is constructed to a level where the extension causes unacceptable neighbour impacts by way of enclosure.
- 4.7.4 The Inspector concluded that the development causes harm to the character and appearance of the dwelling and locality and dismissed the appeal.
- 4.7.5 The full appeal decision can be found online.

**4.8 Application No: 21/00260/FUL**

Location: Land Rear Of 42-44, Fairview Avenue, Stanford Le Hope, Essex

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.

Appeal Decision: Appeal Allowed

- 4.8.1 The main issues relating to this appeal relate to whether the site could accommodate the amount of development proposed, and the effect of the development upon the living conditions of neighbouring dwellings regarding loss of privacy and overbearing impacts.
- 4.8.2 Regarding overdevelopment, the Inspector commented that the proposed development certainly does fill the width of the site, and the outside amenity area is minimal. Nevertheless, the Inspector noted it was not uncommon for one-bedroom residential units in a mixed residential area, and the site is in reasonable proximity to open spaces nearby. The recently approved 1-bed flats to the southwest also demonstrate that this form of development is acceptable to the Council.
- 4.8.3 The Inspector also commented that there is advantage in using land within urban areas efficiently and, on occasions, this will justify development that does not replicate the normal form in the area. The Inspector concluded that, in this instance, the apparent scale of the development in relation to the area of the site would not amount to overdevelopment to the detriment of the character of the surrounding area.
- 4.8.4 The Inspector noted that the floor level of the accommodation in the roof would be roughly 1m below the first floor of No.11 Fairview Chase. The Inspector considered that the proposed development would be similar to a chalet bungalow set across the rear garden of No.11, with its ridge running on the long axis of the garden; at a distance of almost 10m, the Inspector considered this would not be an over-bearing prospect from No.11 and less so from the neighbouring houses. The Inspector considered there would be no unacceptable loss of privacy by way of overlooking.
- 4.8.5 The full appeal decision can be found online.

**4.9 Application No: 21/01310/FUL**

Location: The Coach House, 7 The Green, Orsett, Essex, RM16 3EX

Proposal: Conversion and extension of existing garage to an annex to the main house allowing for step free and wheelchair access with two bedrooms and two bathrooms while the neighbours garage access remains unchanged.

Appeal Decision: Appeal Allowed

- 4.9.1 The main issues relating to this appeal were the effect of the proposal on the character of the site and the Orsett Conservation Area and the effect of the proposed parking spaces on the safety and convenience of highways users, particularly pedestrians.
- 4.9.2 The Inspector stated looking along the access drive from The Green, essentially all that can be seen of the 2 garage that are affected by the proposal is the front of the garage to the west which is in separate ownership and a small part of the brickwork between the 2 garages.
- 4.9.3 The Inspector commented that occupiers of the 4 houses that gain access to the rear of their properties would be able to see the total development, as would the owner of the adjoining garage. However, the Inspector considered in terms of the effect on the character and appearance of the site and the Orsett Conservation Area, the view would be minimal and would not warrant refusal of permission.
- 4.9.4 Moving onto the proposed parking spaces and the safety and convenience of highways users, particularly pedestrians. The Inspector commented that the development is an annexe to the existing dwelling and therefore the car parking standards should be applied is 3 spaces for a property with 4 bedrooms or more, and that the standards would appear to be met, numerically by the 3 spaces in front of the garage proposed to be provided.
- 4.9.5 In summary the Inspector was satisfied that there would be no harmful effect from the proposal on the character and appearance of the site and the Orsett Conservation Area. The Inspector also concluded that highways safety would also be acceptable with 3 spaces, and the appeal was therefore allowed.
- 4.9.6 The full appeal decision can be found online.

**4.10 Application No: 21/02082/HHA**

Location: 38 Triumph Close, Chafford Hundred, Grays, Essex, RM16 6RQ

Proposal: Two storey rear extension

Appeal Decision: Appeal Allowed

- 4.10.1 The main issues relating to this proposal were the awkward roof design at the rear in combination with the bulk and mass of the development given the increased visibility from the surrounding area. There were concerns



that the development would be detrimental to the character and appearance of the host dwelling and wider street scene.

4.10.2 There is an extensive planning history for this site which includes multiple refusals for similar development.

4.10.3 The Inspector noted that whilst rear gardens in this area are all small, the existing trees and shrubbery are visible between properties, and in conjunction with other subservient additions in the street, the local character would not be detracted from. The Inspector also noted that whilst the rear of the property would be visible from Victory Close the proposed extension would not appear as out of context or overly unusual. Accordingly, the Inspector allowed the appeal.

4.10.4 The full appeal decision can be found online.

**4.11 Application No: 21/02184/HHA**

Location: 7 Churchill Road, Grays, Essex, RM17 6TW

Proposal: Two storey side extension and single storey and part two storey rear extension with roof lights.

Appeal Decision: Appeal Dismissed

4.11.1 The main issue was the effect of the proposal upon the existing dwelling and the appearance of the locality.

4.11.2 The Inspector noted the site is on a corner plot and agreed with the Council that the existing hipped roof and timber boarding used reinforces the spacious quality of the locality. The Inspector commented that the proposal was considered to have a visually bulkier appearance to the street scene. The proposal would substantially increase and subsume the existing dwelling and would create a very large and elongated built form. The Inspector commented that the proposal would result in the erosion of much of the visual gap to the side and rear, which they considered a positive characteristic of this particular locality.

4.11.3 The Inspector commented that the proposed extensions when combined would result in the loss of positive characteristics such as the visual gap in and around dwellings would be clearly disproportionate and the additional visual bulk and massing would be unlike other extensions constructed within the immediate vicinity.

4.11.4 Consequently, the Inspector concluded the proposal would be harmful to the character and appearance of the existing building, and the local

distinctiveness of the locality on this prominent corner location and be contrary to all relevant Core Strategy policies.

4.11.5 The appeal was therefore dismissed.

4.11.6 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	11					36
No Allowed	4	1		0	0	5	0	4					14
% Allowed	57.1%	33.3%		0.0%	0.0%	41.6%	0.0%	26.6%					28%

## 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 Services

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: **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 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](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