

4 June 2024		ITEM: 6
<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> Trevor Faulkner – Interim Head of Planning Delivery		
<b>Accountable Chief Officer:</b> Ashley Baldwin – Chief Planning Officer		
<b>Accountable Director:</b> Claire Demmel – Interim Executive 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:** 22/00941/FUL

Location: 41 Sandpiper Close, East Tilbury, Essex RM18 8FA

Proposal: (Retrospective) Change of use from landscape setting to residential curtilage and extension of fence and hardstanding

3.2 **Application No:** 23/01357/FUL

Location: 10 Chestnut Avenue, Grays, Essex, RM16 2UJ

Proposal: Demolition of existing garage and creation of new 3 bed, 5 person dwelling with secured cycle storage and bin storage. Alterations to existing dwelling comprising of hip to gable roof extension, new porch, and single and two storey rear extensions. Erection of new outbuilding to both resulting dwellings and creation of new hardstanding and vehicle access to serve existing and new dwelling.

**3.3 Application No: 23/00989/FUL**

Location: Portland Lodge, Brentwood Road, Bulphan, Essex, RM14 3TJ

Proposal: Erection of nine detached dwellings (replacement of four existing dwellings and erection of a further five dwellings in place of existing commercial premises).

**3.4 Application No: 23/01437/PAOFFR**

Location: Land At 1 High Street And 1 To 6, The Green, Stanford-Le-Hope, Essex

Proposal: Application under Town and Country Planning (General Permitted Development) Order 2015 (as amended) Schedule 2, Part 3, Class MA for the Change of Use from offices (Class E) on the first and second floor above 3-6 The Green to create 5 dwellinghouses (C3)

**3.5 Application No: 23/00858/FUL**

Location: Welfare Centre, Ruskin Road, Chadwell St Mary, Essex, RM16 4BD

Proposal: Erection of residential apartment building which provides 9no. residential apartments with dual aspect, private amenity and car parking.

**3.6 Application No: 23/01505/HHA**

Location: The Green, Rectory Road, West Tilbury, Essex, RM18 8UD

Proposal: Erection of 2m high fence on top of existing bricks of 1m along front and side of property.

**3.7 Application No: 23/00949/HHA**

Location: The Green, Rectory Road, West Tilbury, Essex, RM18 8UD

Proposal: Removal of the existing garage, small shed and the chimney, and erection of a single storey rear extension.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 23/00241/FUL**

Location: Plot 2, Land Adjacent Avondale, Inglefield Road, Fobbing

Proposal: Removal of existing steel barn; erection of 4 bedroom chalet bungalow.

Appeal Decision: Appeal Dismissed

**4.1.1 The Inspector considered the key 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;
- the effect of the proposed development on the character and appearance of the area; and

whether any harm by reason of inappropriateness, and any other harm is clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

**4.1.2 The Inspector noted the site was located on a narrow country lane with no footways, where the character was rural with sporadic development and that the proposal did not fall within any of the exceptions as set out under paragraph 154(e). The Inspector commented that the proposed dwelling would replace the existing barn towards the rear of the site. Although it would have a similar footprint and position to the barn, due to its high vertical side walls, large, pitched roof and sizeable flat roofed dormers, the proposed house would be significantly higher, bulkier and more imposing than the**

existing building and, as such, it would lead to a loss of spatial openness. Given the erosion of openness the Inspector concluded the development would not be an exception under Paragraph 154 (g) and amounted it inappropriate development in the Green Belt.

4.1.3 With respect to character impact, the Inspector noted the proposed brick walls would fail to reflect the rendered wall finishes prevalent on buildings in the immediate locality. The Appellant advised they were willing to accept a sample of materials condition, along with the conditioning of a soft landscaping scheme; however, the Inspector considered these would not overcome the unacceptable design and form of the proposed building and concluded that the proposed development would harm the character and appearance of the area contrary to Policies CSTP22, CSTP23 and PMD2 of the CS.

4.1.4 Finally, the Inspector considered the argument that the provision of an additional dwelling with energy efficiency measures to have modest weight but concluded that no Very Special Circumstances had been clearly demonstrated to overcome the harm to openness or the in principle harm to the Green Belt.

4.1.5 Accordingly the appeal was dismissed.

## **4.2 Application No: 23/00303/FUL**

Location: 32 Rainbow Lane, Stanford Le Hope, Essex

Proposal: Proposed new dwelling to south of the existing property No. 32, including associated parking and amenity space.

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered the main issues to be:

- Whether suitable mitigation has been ensured to prevent unacceptable effects on a protected site, in accordance with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS)
- The effects of the proposal on the character of the area
- The effects of the proposal on highway safety

### RAMS

4.2.2 The Inspector noted that a payment towards RAMS would be necessary to make the development acceptable and that, although the appellant indicated they would pay the contribution it had not been paid. Accordingly, the proposal was contrary to Policy CSTP19 in this regard.

### Character of the Area

4.2.3 The Inspector found the house would undoubtedly reduce the openness of the appeal site, that *“the lack of space to the sides, the small triangular rear garden and the prominence of the development would mean that it would unacceptably reduce the space and openness at this corner, where it*

*currently contributes positively to the character of the area*" (para 8) and that whilst a different design may not be unacceptable per se, *"the large areas of blank elevations and the arrangement of the relatively small windows has an awkward appearance which would add to the prominence of the building here"* (para 8). The proposal was therefore found to be contrary to Policies CSTP19 and PMD2 in this regard.

#### Highway Safety

4.2.4 The Inspector did not find the proposal would have a detrimental impact on highway safety.

4.2.5 For the reasons indicated at 4.2.2 and 4.2.3 the appeal was dismissed.

### **4.3 Application No: 23/01162/HHA**

Location: 2 Crescent Walk, Aveley, Essex, RM15 4HP

Proposal: Single storey side and rear extension

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be:

- The main issue is the effect of the proposed development upon the existing building and the character and appearance of the locality.

4.3.2 The Inspector found that the proposed side and rear extensions, when combined, would have an overcomplicated design that would result in the loss of positive characteristics such as the visual gap in and around dwellings; and would be clearly disproportionate and the additional visual bulk and massing would be unlike other extensions constructed within the immediate vicinity. The proposal was considered to be harmful to the character and appearance of the existing building, and the local distinctiveness of the locality.

4.3.3 The proposal was considered, by virtue of its irregular footprint, siting, scale, design, and appearance, to result in an unsympathetic, disproportionate, and incongruous addition, which would be harmful to the character and appearance of the host dwelling, immediate street scene and wider area.

4.3.4 Accordingly the appeal was dismissed.

### **4.4 Application No: 23/00735/HHA**

Location: Alcott, Oxford Road, Horndon On The Hill, Essex, SS17 8PX

Proposal: (Retrospective) Garage

Appeal Decision: Appeal Dismissed

**4.4.1** The Inspector considers the main issues to be:

- whether or not the development is inappropriate development in the Green Belt;
- the effect of the development upon the openness of the Green Belt; and,
- if the development is inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, and if so, would this amount to the very special circumstances required to justify the development.

4.4.2 The Inspector commented that delegated report states the total of the previous dwelling, its two-room extension allowance under Policy PMD6, the garage and an outbuilding combined was approximately 199.6 sqm. The replacement current dwelling is approximately 198.7 sqm in floorspace, so it has already used all but 0.9 sqm of the two reasonably sized rooms allowance. This appeal garage seeks to retain approximately 33.4 sqm of floorspace. The Inspector stated that though the garage might be regarded as compliant with part 1 of the Policy read in isolation, it is a detailed policy, and its wording must be read as a whole.

4.4.3 Based upon its definition of disproportionate additions and the original building, the Inspector noted that the footprint and scale of the development does not meet the exception under Policy PMD6. Therefore, the concluded, it constitutes inappropriate development in the Green Belt under Policy PMD6, which is by definition harmful to the Green Belt.

4.4.4 The Inspector noted the development, by virtue of being significantly above the level of the driveway, it inherently diminishes and has a marked adverse effect upon the visual openness of the Green Belt in this location. As well as being visible from within parts of the appeal site, the effects upon visual openness are visible from some rural land and buildings due south of the site, from the north from parts of Oak Cottage and St Benedict's, and to a very limited degree from the Old Chapel. Therefore, the Inspector also concluded that the development has an adverse effect upon the openness of the Green Belt, at odds with a fundamental aim of Green Belt policy.

4.4.5 The Inspector considered in detail whether the development was inappropriate development in the Green Belt, if the NPPF's definition of the original building was applied. At Annexe 2, it defined the original building as being as it existed on 1 July 1948 or, if constructed after, as it was built originally. The Inspector and concluded that the CS Focused Review was undertaken to ensure compliance with the NPPF and there was nothing to lead the Inspector to consider a different view. The Inspector also considered the withdrawal of PD rights and concluded there was nothing to alter their view on the appeal submitted.

4.4.6 The Inspector concluded development is contrary to the development plan read as a whole, and the NPPF, and there are no considerations advanced, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

4.4.7 Accordingly, the appeal was dismissed.

## 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	4											
No Allowed	0											
% Allowed	0%											

## 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**

This report is an update report and as such there are no specific financial implications.

### 8.2 Legal

Implications verified by: **Mark Bowen**  
**Interim Project Lead – 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: **Becky Lee**  
**Team Manager - Community Development  
and Equalities Adults, Housing and Health  
Directorate**

There are no direct diversity or equality implications arising from 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