

19 December 2024		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Ashley Baldwin – Chief Planning Officer		
Accountable Chief Officer: Ashley Baldwin – Chief Planning Officer		
Accountable Director: Claire Demmel – Interim Executive Director of Place		

Executive Summary

This report provides Members with information with regards 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:** 24/00643/HHA

Location: Tanga, Infield Road, Fobbing, Stanford-Le-Hope, SS19 HW

Proposal: Single and two-storey rear extensions, BBQ area and swimming pool

3.2 **Application No:** 24/00990/HHA

Location: 1 Cedar Rise, South Ockendon, RM5 6RB

Proposal: Loft conversion with the introduction of a side dormer.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 24/00258/FUL

Location: 2 Lockyer Road, Purfleet-on-Thames, RM19 1RU

Proposal: Two-storey semi-detached residential dwelling

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector identified the main issues as follows:

- The character and appearance of the existing dwelling and the local area
- Parking provision and highway safety
- The risk of flooding

Character

4.1.2 The dormer, proposed to the rear roof slope of the main dwelling was considered, by reason of its height, bulk, mass, scale, form, and detailed design and appearance, to be likely to result in an awkward and incongruous development harmful to the character and appearance of the existing building, the immediate street scene and wider area. The appeal was unacceptable in this regard.

Highways

4.1.3 It was not considered by the Inspector that adequate parking would be provided to serve the needs of the proposed dwelling at the application site. Consequently, given its location, it was considered that additional parking would occur on-street which, on its own and in addition to the other parking that already occurs within the vicinity of the site, would be likely to obstruct the highway and create conditions of unsafety for pedestrians and other road users.

The risk of flooding

4.1.4 The Inspector found that the proposals had failed to fully consider flood risk.

4.1.5 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.2 Application No: 23/01297/HHA

Location: 76 Camden Road, RM16 6PY

Proposal: Proposed loft conversion by alteration of existing roof form to gambrel roof, with raised roof height, dormer to rear roof slope and rooflights to front roof slope.

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector identified the main issue as follows:

- The character and appearance of the existing dwelling and the local area

4.2.2 The Inspector deemed that the proposed gambrel roof and large dormer window would harm the character of the host property and surrounding area, which is characterised by uniform pitched roofs with gable ends. The bulkier roof form, prominent skylight, and disproportionate glazing were considered incongruous and visually dominant, creating a discordant and top-heavy appearance. While the absence of heritage constraints and the use of complementary materials were noted, these factors did not outweigh the harm identified.

4.2.3 The proposed roof alterations, including the increase in ridge height and the insertion of the rear dormer was considered, by reason of the height, bulk, mass, scale, form, and detailed design and appearance, to result in an awkward and incongruous development harmful to the character and appearance of the existing dwelling, the immediate street scene in Camden Road and wider area.

4.2.4 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.3 Application No: 23/01222/FUL

Location: 231 London Road, RM17 5YS

Proposal: Change of use from Barber (Class E) to Takeaway (Sui Generis)

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector identified the main issue as follows:

- The impact of the development on parking provision and highway safety

4.3.2 The Inspector deemed the main issue to be the appeal site's location within a predominantly residential area with limited off-street parking and significant parking stress, particularly in the evenings. The appellant failed to provide sufficient evidence, such as formal traffic surveys or parking analysis, to

demonstrate that the proposed takeaway use would generate less parking demand or have a lesser impact on traffic than the current or other potential uses.

4.3.3 The Inspector further deemed that the proposed use would likely exacerbate parking demand and traffic issues, including inconsiderate parking and delivery vehicle activity, negatively affecting highway safety.

4.3.4 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.4 **Application No: 23/00813/HHA**

Location: Greystead, Parkers Farm Road, RM16 3HX

Proposal: Garage extension

Appeal Decision: Appeal Allowed

4.4.1 The Inspector identified the main issues as follows:

- Whether the proposal would be inappropriate development in the Green Belt for the purposes of development plan policy and the National Planning Policy Framework (the Framework)
- The effect of the proposal on the openness of the Green Belt and
- If it is inappropriate, whether the harm to the Green Belt by reason 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 the development

Inappropriate Development

4.4.2 The Inspector considered the extension to be proportionate to the building to which it was proposed and therefore that it would not be inappropriate development.

Impact on Openness

4.4.3 As the proposal was not inappropriate the Inspector stated the proposal would not harm the openness of the Green Belt.

Green Belt Balance

4.4.4 As the proposal was found to be appropriate and not harmful to openness the proposal was found to be acceptable, and the appeal was allowed. The full appeal decision can be found online.

4.5 Application No: 23/01437/PAOFFR

Location: Land At 1 High Street And 1 To 6, The Green, Stanford-Le-Hope, SS17 0EX

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)

Appeal Decision: Appeal Dismissed

4.5.1 This appeal related to an application for Prior Approval, rather than a Planning Application. One of the matters for consideration under the Prior Approval process is the “traffic impacts” of a development. The application had been refused solely on highways matters.

4.5.2 The Inspector identified the main issue as follows:

- Whether the transport impacts of the development are acceptable, particularly to ensure safe site access

4.5.3 Whilst noting the site lay within a Controlled Parking Zone, a Town Centre and a sustainable location the Inspector stated there was no mechanism before him for the scheme to secure a car free development as suggested by the appellant and with no mechanism to secure it there was no way to guarantee a car free scheme

4.5.4 With no on-site parking the Inspector felt parking would be displaced onto the public highway and future occupiers would seek on street parking placing pressure on spaces.

4.5.4 It was concluded the proposal would therefore have an unacceptable impact on highway safety and the safe flow of traffic in the locality and accordingly the appeal was dismissed. The full appeal decision can be found online.

4.6 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.

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector identified the main issues as follows:

- Whether the proposed development would be inappropriate development in the Green Belt and, if it would, the effect on openness;
- Whether the proposed development would preserve the setting of the Grade II listed building, Post House, and the extent to which the development would preserve or enhance the character or appearance of the West Tilbury Conservation Area;
- The effect of the proposed development on pedestrian and highway safety; 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 development.

Inappropriate development and openness

4.6.2 The Inspector noted that paragraph 154 of the NPPF sets out that the construction of new buildings in the Green Belt is to be regarded as inappropriate development. A 'building' is defined in Section 336 of the Town and Country Planning Act 1990 to include any structure or erection and it therefore includes fences and gates.

4.6.3 Consequently, he found the development is inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and that substantial weight should be given to this harm. There was found to be little harm to openness, however this did not overcome the in-principle harm. The proposal was therefore unacceptable in terms of Green Belt principle.

Heritage assets and balance

4.6.4 The site is close to The Post House, a grade II listed building and within the West Tilbury Conservation Area. The Inspector considered the proposal would fail to preserve the setting of the Grade II listed building, Post House, and fail to preserve or enhance the character or appearance of the Conservation Area.

4.6.5 The Inspector understood the applicant's desire in securing of the appeal property but this was a private benefit for the appellant and future occupiers. He did not find this provided clear and convincing justification for the identified harm to the significance of the listed building and Conservation Area and the proposal was therefore unacceptable on those grounds.

Pedestrian and highway safety

4.6.6 The Inspector did not find the development would lead to a harmful impact on pedestrian or highways safety.

Green Belt Balance

4.6.7 In concluding the Inspector noted the development is inappropriate development in the terms set out by the NPPF which also fails to preserve the setting of the listed building and the appearance of the Conservation Area which would not be outweighed by public benefits.

4.6.8 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.7 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.

Appeal Decision: Appeal Dismissed

4.7.1 The Inspector identified the main issues as follows:

- Whether the proposed development would be inappropriate development in the Green Belt and, if it would, the effect on openness;
- Whether the proposed development would preserve the setting of the Grade II listed building, Post House, and the extent to which the development would preserve or enhance the character or appearance of the West Tilbury Conservation Area;
- The effect of the proposed development on the character and appearance of the surrounding area; 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 development.

Inappropriate development and openness

4.7.2 The Inspector noted that paragraph 154 sets out certain exceptions to inappropriate development with one being the extension or alteration of a building, provided it does not result in disproportionate additions over and above the size of the original building. The Inspector noted that Policy PMD6 of the Core Strategy conforms to the general thrust of national Green Belt policy. The Inspector also found the two reasonable sized room allowance set out in the Core Strategy was a good measure of disproportionality.

4.7.3 The Inspector found the extensions were well in excess of what could be considered proportionate extensions to the existing dwelling and that the proposal would therefore be inappropriate development in the Green Belt, which is, by definition, harmful to the Green Belt and that substantial weight should be given to this harm. There was found to be little harm to openness, however this did not overcome the in-principle harm. The proposal was therefore unacceptable in terms of Green Belt principle.

Heritage assets and balance

4.7.4 The site is close to The Post House, a grade II listed building and within the West Tilbury Conservation Area. The Inspector considered the proposal would fail to preserve the setting of the Grade II listed building, Post House,

and fail to preserve or enhance the character or appearance of the Conservation Area.

- 4.7.5 The Inspector understood the applicant's desire in extending the dwelling for his family but this was a private benefit for the appellant and future occupiers. He did not find this provided clear and convincing justification for the identified harm to the significance of the listed building and Conservation Area and the proposal was therefore unacceptable on those grounds.

The effect of the proposed development on the character and appearance of the surrounding area

- 4.7.6 The Inspector found the proposal would be harmful to the character and appearance of the wider area.

Green Belt Balance

- 4.7.7 In concluding the Inspector noted the development is inappropriate development in the terms set out by the NPPF which also fails to preserve the setting of the listed building and the appearance of the Conservation Area which would not be outweighed by public benefits.

- 4.7.8 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.8 Application No: 23/00858/FUL

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

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

Appeal Decision: Appeal Dismissed

- 4.8.1 The Inspector identified the main issues as follows:

- The effect of the proposed development on the character and appearance of the area
- The effect of the proposed development on the living conditions of the occupants of No 84 and No 86 River View, with regard to outlook and overshadowing
- Whether suitable living conditions would be provided for future occupants of the development, with regards to external amenity space; and
- The effect of the proposed development on highway safety, with regard to access and servicing

Character and Appearance

4.8.2 The Inspector noted that *The building would appear as an imposing and dominant feature within the area and would be harmfully at odds with the form and mass of the surrounding existing development. The scale and position of the building, and its coverage of the front part of the site, would significantly reduce the spacious character of the area. The level of harm would be accentuated due to the prominent position of the site within River View.* (para 6). Accordingly, the building was considered to significantly harm the character and appearance of the area.

Living condition of no 84 & 86

4.8.3 The building by reason of its scale and site coverage was considered to be an overbearing development which would dominate the outlook for the occupiers of No 84 and 86 and would be unacceptable on these grounds.

Suitable Living Conditions

4.8.4 The proposed development would fail to provide suitable private outdoor space in accordance with the requirements of saved Annex 1 of the 1997 Local Plan and the Inspector considered there would not be suitable external private amenity space for future residents leading to substandard living conditions.

Highways Impacts

4.8.5 There was not found to be a detrimental impact on highway safety resulting from the scheme.

Overall conclusion

4.8.6 The Inspector weighed up all matters, including the site being in a sustainable location and the lack of a 5 year housing supply. But despite these matters he found that the significant harm to the character and appearance of the area, the living conditions of nearby occupiers and the lack of usable outdoor amenity space would outweigh the benefits of the scheme when considered against the policy in the Core Strategy and the NPPF as a whole.

4.8.7 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.9 **Application No: 23/00907/FUL**

Location: 72 Fobbing Road, Corringham, SS17 9BN

Proposal: Demolition of existing dwelling and construction of a single dwelling and 6 apartments.

Appeal Decision: Appeal Dismissed

4.9.1 The Inspector identified the main issues as follows:

- Whether or not the proposed development would provide satisfactory living conditions for the future occupiers of the proposed new house with particular reference to outlook;
- The effect of the proposed development upon the character and appearance of the area; and
- The effect of the proposed development upon highway safety

Living Conditions

4.9.2 The Inspector noted that proposed development would be laid out in a staggered arrangement in a similar pattern as some dwellings to the west of the site. However he found that the excessive depth and height of the apartment block would, when viewed from the rear of the new dwelling be very overbearing and would create a strong sense of enclosure and poor standard of outlook which would affect the occupiers of the new dwelling contrary to policy and guidance in the NPPF.

Character and Appearance

4.9.4 The Inspector considered the apartment building would have a high, quite dominant and stridently complex roof form which would be harmful at odds with, the buildings within its immediate visual context, which generally have generally retained quite simple and balanced roof forms addressing the public highway. 12. The flank elevations were considered to be somewhat unrelieved due to its overall scale which meant the apartment building would be viewed as significantly larger, much bulkier, and with greater massing. It would give the appearance of an over developed site and overall, would be significantly harmful to the character and appearance of the area.

Highway Safety

4.9.5 Due to existing on street parking the Inspector found that any further overspill parking from the site would have a harmful impact on the nearby highway network which would be prejudicial to highways safety. In addition, whilst plans showed visibility splays could technically be provided there is a bus stop and unrestricted parking within the splays. It was not therefore considered that suitable splays would be available to ensure safe visibility to the site. The proposal was also considered to be harmful to the local highways network.

4.9.6 Accordingly, the appeal was dismissed. 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	4	1	1	6	0	0	5	8				

Appeals												
No Allowed	0	0	1	1	0	0	1	1				
% Allowed	0%	0%	100%	16.7%	0	0	20%	12.5%				

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: **Nish Narendran**
Head of Finance Business Partnering (Place and Corporate)

5th December 2024

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. The planning enforcement files are not public documents and should not be disclosed to the public.

10. Appendices to the report

- None