

7 April 2016		ITEM: 6
Planning Committee		
Planning Appeals		
Report of: Leigh Nicholson, Development Management Team Leader		
Wards and communities affected: All	Key Decision: Not Applicable	
Accountable Head of Service: Andy Millard, Head of Planning and Growth		
Accountable Director: Steve Cox, Director of Environment and Place		
This report is Public		

Executive Summary

This report provides Members with information with regard to planning appeal performance.

1. Recommendations:

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: 15/00277/CWKS

Officer: Jenny Palmer

Location: 2 Marie Close, Corringham, SS17 9EX

Proposal: Large structure is being erected in rear garden. 50 feet wide and 12 feet long without the benefit of planning permission.

4.0 Appeal Decisions:

4.1 The following appeal decisions have been received:

Application No: 15/01040/HHA
Officer: Nick Westlake
Location: 9 Swallow Close, Chafford Hundred, RM16 6RH
Proposal: Loft conversion with 1 rear dormer and 2 front dormers.
Decision: **Appeal Dismissed**

Summary of decision:

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the host dwelling and the surrounding area.

In dismissing the appeal the Inspector concurred with the Council's reasons for refusal and took the view that the dormer would appear out of keeping with the location and would represent a prominent and incongruous feature that would disrupt the plain style of the dwelling's roof and those of its neighbours.

4.2 **Application No:** 15/00843/HHA
Officer: Zoe McAden
Location: 13 Cumberland Road, Chafford Hundred, RM16 6ER
Proposal: Retention of rear ground floor extensions
Decision: **Appeal Allowed**

Summary of decision:

The Inspector considered the main issue to be the effect of the development on the living conditions of 11 Cumberland Road with regard to outlook and light.

In allowing the appeal, the Inspector found that the development did not adversely affect the living conditions of 11 Cumberland Road. The Inspector concluded that, owing to the height of the development and the level of separation between the development and its neighbour, the development did not conflict with the Council's Development Plan policies.

4.3 **Application No:** 15/01192/HHA
Officer: Nick Westlake
Location: 41 Hemley Road, Orsett RM16 3DG
Proposal: Single storey annexe to the side of the host dwelling
Decision: **Appeal Dismissed**

Summary of decision:

The Inspector considered the main issues to be:

- i. Whether the proposal would be inappropriate development in the Green Belt;
- ii. The effect of the proposal on the openness of the Green Belt;
- iii. The effect of the proposal on the character and appearance of the surrounding area; and
- iv. If it is inappropriate development, whether the harm, by reason of inappropriateness and by reason of any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development.

With regards to (i), the Inspector found the proposal to constitute disproportionate additions over and above the size of the original building, thereby representing inappropriate development in the Green Belt.

With regards to (ii), the Inspector took the view that the development would involve encroachment into the Green Belt and there would be a general perception of physical imposition which would affect the Green Belt's openness.

With regards to (iii), the Inspector took the view that, notwithstanding the Green Belt, the development would appear incongruous, unduly prominent in its context and harmful to the existing cogent juxtaposition of properties and the wider housing layout.

With regards to (iv), the Inspector did not identify any extenuating matters that would support the proposal. The Inspector therefore dismissed the appeal.

4.4 **Application No:** 15/00681/FUL
Officer: Nick Westlake
Location: 2 Aldrin Close, Stanford Le Hope, SS17 7DA
Proposal: New two bedroom terrace dwelling
Decision: **Appeal Dismissed**

Summary of decision:

The Inspector considered the main issues to be:

- i. The effect of the proposal on the character and appearance of the area;

- ii. Whether the proposal provides satisfactory living conditions for future occupiers with regard to private outdoor amenity space and
- iii. The effect on highway safety

With regards to (i), the Inspector concurred with the Council and took the view that the development would adversely affect the character and appearance of the area.

With regards to (ii), the Inspector took the view that the garden area for the proposed dwelling, at 38 sqm, would be extremely limited and would be insufficient to meet the needs of the occupiers of a family dwelling.

With regards to (iii), the Inspector did not find that the proposal would be detrimental to highway safety, in part because of the amount of available on-street parking in the location. This matter was not however sufficient to outweigh the other harm identified in (i) and (ii). The Inspector therefore dismissed the appeal.

5.0 Forthcoming Public Inquiry And Hearing Dates:

5.1 The following inquiry and hearing dates have been arranged:

None

6.0 Appeal Performance:

6.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals. The target is 31% (lower is better). This is no longer a National Performance Indicator, but it is considered that it is important to continue to monitor appeal decisions.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	4	0	0	0	0	0	0	0	0	0	0	0	
No Allowed	1	0	0	0	0	0	0	0	0	0	0	0	
% Allowed													25%

7.0 Consultation (including Overview and Scrutiny, if applicable)

7.1 N/A

8.0 Impact On Corporate Policies, Priorities, Performance And Community Impact

8.1 This report is for information only.

9.0 Implications

9.1 **Financial**

Implications verified by: **Sean Clark**
Head of Corporate Finance

There are no direct financial implications to this report.

9.2 **Legal**

Implications verified by: **Vivien William**
Principal Regeneration Solicitor

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').

9.3 **Diversity and Equality**

Implications verified by: **Rebeka Price**
Community Development Officer

There are no direct diversity implications to this report.

9.4 **Other implications (where significant) – i.e. Section 17, Risk Assessment, Health Impact Assessment, Sustainability, IT, Environmental**

None

Background Papers Used In Preparing This Report (include their location and identify whether any are exempt or protected by copyright):

The planning files relating to any application mentioned in this report are available from Planning, Thurrock Council, Civic Offices, New Road, Grays, Essex, RM17 6SL. The planning enforcement files are not public documents and should not be disclosed to the public.

Appendices To This Report:

None

Report Author:

Leigh Nicholson

Development Management