

<b>26 May 2016</b>	<b>ITEM: 6</b>
<b>Planning Committee</b>	
<b>Planning Appeals</b>	
<b>Report of:</b> Leigh Nicholson, Development Management Team Leader	
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable
<b>Accountable Head of Service:</b> Andy Millard, Head of Planning and Growth	
<b>Accountable Director:</b> Steve Cox, Director of Environment and Place	
<b>This report is</b> Public	
<b>Date of notice given of exempt or confidential report:</b> N/A	
<b>Purpose of Report:</b> For Information	

### **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:** 15/01191/FUL  
**Location:** Land Adjacent 9  
Lyndhurst Road  
Corringham  
Essex

Proposal: Erection of a new dwelling with private amenity space and off street car parking.

#### 4.0 APPEAL DECISIONS

The following appeal decisions have been received:

##### 4.1 Application No: 15/01075/HHA

Location: 56 Fyfield Drive  
South Ockendon  
Essex  
RM15 5QE

Proposal: First floor extension over existing garage.

**Decision: Appeal Allowed**

##### Summary of decision:

- 4.1.1 The Inspector considered the main issue to be the effect of the development on the living conditions of the residents of 57 Fyfield Drive with regard to light and outlook.
- 4.1.2 In allowing the appeal, the Inspector took into account the existing relationship between the properties and found that whilst the existing relationship is poor, the proposed development would not materially alter the living conditions that the occupiers of No.57 presently experience. The Inspector found no conflict with LDF-CS Policy PMD1 or PMD2 or Annexe 1 of the Borough Local Plan 1997.

**Link to full appeal decision:** [Appeal Decision Notice](#)

##### 4.2 Application No: 15/00563/FUL

Location: 14 Crammavill Street  
Stifford Clays  
Grays  
Essex  
RM16 2BD

Proposal: Change of use from A1 retail to A5 hot food takeaway

**Decision: Appeal Dismissed**

Summary of decision:

- 4.2.1 The Inspector considered the main issue to be the effect of the development on the retail function of the Crammavill Street shopping parade.
- 4.2.2 The Inspector took into account representations made by the appellant but found Policy SH11 of the Borough Local Plan 1997 and LDF-CS Policy CSTP7 to be in general accordance with the NPPF's requirement to plan positively for community facilities such as shops in support of promoting healthy communities.
- 4.2.3 The Inspector found that the development would 'tip the balance' away from the existing retail function of the Neighbourhood Centre and was not satisfied that a long term A1 use of the premises could not be secured. The Inspector concluded that the proposal would have an adverse effect on the retail function of the Crammavill Street shopping parade without appropriate justification, contrary to LP Policy SH11 and LDF CS Policy CSTP7.

**Link to full appeal decision:** [Appeal Decision Notice](#)

- 4.3 **Application No:** 15/01105/HHA
- Location: 43 San Marcos Drive  
Chafford Hundred  
Grays  
Essex  
RM16 6LU
- Proposal: Single storey side extension
- Decision:** Appeal Dismissed

Summary of decision:

- 4.3.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the host dwelling and streetscene.
- 4.3.2 In dismissing the appeal, the Inspector took the view that the extension would result in a confusing and incongruous visual relationship between the host dwelling, extension and ancillary garage. The Inspector concluded that the proposal would have an unacceptably harmful effect on the character and appearance of the host dwelling and streetscene, contrary to LDF-CS Policy PMD2. In making this decision, the Inspector commented that Policy PMD2 was consistent with the NPPF, particularly section 7 concerning good design.

**Link to full appeal decision:** [Appeal Decision Notice](#)

- 4.4 **Application No:** 15/00229/FUL

Location: 246 Heath Road  
Chadwell St Mary  
Essex  
RM16

Proposal: 3APChange of use from hostel to residential (Use Class C3) to form 3 no. dwellings, together with associated alterations/extensions.

**Decision: Appeal Dismissed**

Summary of decision:

- 4.4.1 The Inspector considered the main issues to be:
- i. Whether the proposal would amount to inappropriate development within the Green Belt;
  - ii. Whether there would be any other harm to the Green Belt; and
  - iii. Whether the 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 necessary to justify the development.
- 4.4.2 With regards to (i & ii), the Inspector found support for the principle of a change of use but found that the extensions would result in an overall loss of openness. As the proposal would fail to preserve the openness of the Green Belt, it would conflict with the fundamental aim of Green Belt policy which is to prevent urban sprawl by keeping land permanently open.
- 4.4.3 The Inspector considered the appellant's case but found the proposals to be in conflict with the NPPF and LDF-CS Policy PMD6 owing to the scale of the new development proposed. The Inspector concluded that the proposal represented inappropriate development in the Green Belt.
- 4.4.4 With regards to (iii), the Inspector considered the site to be a 'wasted resource' and the proposal would make an efficient use of the site and contribute to the housing requirements of the area. The weight afforded to this matter was however reduced because of the extensive works proposed. The Inspector was not convinced that the buildings could not be converted without works that represent inappropriate development.
- 4.4.5 In conclusion, the Inspector found the proposal to be contrary to the NPPF and LDF-CS Policy PMD6 and accordingly dismissed the appeal.

**Link to full appeal decision:** [Appeal Decision Notice](#)

- 4.5 **Application No:** 15/00693/FUL
- Location: School House

Stanford Le Hope Primary School  
 Copland Road  
 Stanford Le Hope  
 Essex  
 SS17 0DF

**Proposal:** New boundary works to change caretaker's house to form a new private residential house. Creation of new driveway to park 2 cars.

**Decision:** **Appeal Allowed**

Summary of decision:

- 4.5.1 The Inspector considered the main issue to be the effect of the proposal on highway safety.
- 4.5.2 The Inspector took the view that the proposal would be likely to result in an increased number of vehicle movements close to the school access. This view was tempered by the fact that vehicles currently enter the school site to park in designated spaces for the caretaker's house and the overall movements around the school access would not materially change. The Inspector was satisfied that there would be sufficient space within the grounds of the caretaker's house to allow vehicles to park and turn and be able to exit in forward gear.
- 4.5.3 The Inspector was not persuaded that the proposal would harm highway safety by increasing the potential for conflict between vehicles and pedestrians, and found no conflict with LDF-CS Policy PMD2.

**Link to full appeal decision:** [Appeal Decision Notice](#)

**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 application and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	5	0	0	0	9	0	0	0	0	0	0	0	
No Allowed	2	1	0	0	5	0	0	0	0	0	0	0	
% Allowed													40%

## **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 Williams**  
**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 Contact Details:**

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