

28th July 2016		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All		Key Decision: Not Applicable
Report of: Leigh Nicholson, Development Management Team Leader		
Accountable Head of Service: Andy Millard, Head of Planning and Growth		
Accountable Director: Steve Cox, Director of Environment and Place		

Executive Summary

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

1. Recommendation(s)

1.1 To note the report

2. 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. Appeals Lodged:

3.1 Application No: 16/00058/HHA

Location: The Old Kennels, Kirkham Shaw, Horndon On The Hill
Proposal: Erection of cart lodge for 2 vehicles

3.2 Application No: 16/00460/HHA

Location: 65 Parkside, Grays
Proposal: Single storey rear conservatory extension

3.3 **Application No:** 16/00005/HHA
Location: 3 Silverdale East, Stanford Le Hope
Proposal: Two storey side and rear extension

3.4 **Application No:** 16/00333/HHA
Location: Willow Cottage, Southend Road, Corringham
Proposal: Loft conversion and the insertion of 5 roof lights within the roof plan.

4. Appeals Decisions:

The following appeal decisions have been received:

4.1 **Application No:** 15/00859/HHA
Location: 32 Catalina Avenue, Chafford Hundred
Proposal: Retention of replacement raised patio
Decision: Dismissed

Summary of decision:

- 4.1.1 The Inspector considered the main issue to be the effect of the development on the living conditions of neighbouring occupiers at No.34 Catalina Avenue with particular reference to privacy.
- 4.1.2 Given the topography and the height of the patios, there are clear views towards No.34 at close proximity. The Inspector noted that the boundary fencing does little to restrict standing views into the rear garden of No.34. The Inspector considered the appellants offer to increase the boundary fencing but found this to be an unacceptable solution.
- 4.1.3 In dismissing the appeal, the Inspector took the view that the development as built has a significant adverse effect on the living conditions of neighbouring occupiers, contrary to LDF CS policy PMD1 and paragraph 17 of the NPPF.
- 4.1.4 The full appeal decision can be found [here](#)

4.2 **Application No:** 15/00041/CWKS
Location: 32 Catalina Avenue, Chafford Hundred
Proposal: Retention of replacement raised patio
Decision: Dismissed [with Enforcement Notice varied]

Summary of decision:

- 4.2.1 This appeal was made against the Enforcement Notice issued by the Council following the refusal of planning application 15/00859/HHA (summarised above).
- 4.2.2 The Inspector supported the Council's reasons for serving the Enforcement Notice but found the steps to remedy the breach to be excessive. The Inspector found it necessary to vary the Enforcement Notice to ensure that the land is returned to how it was before the breach took place rather than requiring the land to be lowered.
- 4.2.3 The full appeal decision can be found [here](#)

4.3 Application No: 15/01191/FUL

Location: 9 Lyndhurst Road, Corringham

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

Decision: Dismissed

Summary of decision:

- 4.3.1 The Inspector considered the main issue to be the effect of the proposed dwelling on the character and appearance of the area.
- 4.3.2 The proposed dwelling would be attached to No 9, but would be at right angles to it. It would project beyond the front and rear elevations of the host property and the Inspector considered that this aspect of the scheme would be out of character with the surrounding area.
- 4.3.3 The Inspector noted that the appeal site is a prominent, corner plot that is highly visible from the surrounding street scene. The front elevation of the proposed dwelling would breach the building line along Hawthorne Road and would bring the built form to the rear of the existing grass verge that runs along the western side of this street. This would be out of keeping with the existing development in Hawthorne Road and Lyndhurst Road where none of the houses directly abut the verge or footway. It would also introduce a sense of enclosure at the junction with Lyndhurst Road, which the Inspector considered would be harmful to the open character of the estate.
- 4.3.4 The Inspector concluded that the proposed dwelling would be harmful to the character and appearance of the area, contrary to Policies CSTP22 and PMD1 of the Thurrock Core Strategy, which requires high quality design that responds positively to the local context.

4.3.5 The full appeal decision can be found [here](#)

4.4 Application No: 15/00988/OUT

Location: 164 Palmerston Road, South Stifford, Grays

Proposal: Outline application for erection of a two storey 3 bedroom detached house adjacent to current dwelling. Matters to be considered include, access and layout with all other matters reserved.

Decision: Dismissed

Summary of decision:

4.4.1 The Inspector noted that the orientation of the proposed dwelling would result in the rear elevation being very close to the boundary of No 164. The Inspector agreed with the Council's view that the bulk and mass of the building would be oppressive and overbearing, giving rise to a significant and harmful sense of enclosure for the occupants of this adjacent house.

4.4.2 The Inspector concluded that the proposed dwelling would be harmful to the living conditions of the occupants of No 164, arising from visual intrusion and loss of privacy and would be contrary to Policy PMD1 of the Thurrock Local Development Framework Core Strategy.

4.4.3 The full appeal decision can be found [here](#)

5. Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

6. APPEAL PERFORMANCE:

6.1 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	5	2	4	0	0	0	0	0	0	0	0	0	11
No Allowed	2	0	0	0	0	0	0	0	0	0	0	0	2
% Allowed													18%

7. 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. 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: **Rebecca Price**
Community Development Officer

There are no direct diversity implications to this report.

9.4 Other implications (where significant) – i.e. Staff, Health, Sustainability, Crime and Disorder)

None.

10. 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.

11. Appendices to the report

- None

Report Author:

Leigh Nicholson

Development management manager