

16th March 2017	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.

1.0 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:** 16/01180/HHA

Location: 27 Cecil Avenue, Chafford Hundred

Proposal: Loft conversion with front dormer, two rear dormers and extension of gable roof and chimney.

3.2 Application No: 16/00023/CUSE

Location: Storage Yard, Blockhouse Road, Grays

Proposal: Retention of mobile home

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 16/01098/HHA

Location: Monchique, Rainbow Road, Chafford Hundred

Proposal: Loft conversion with dormer

Decision: Appeal Dismissed

Summary of decision:

4.1.1 The Inspector considered the main issue to be the effect on the character and appearance of the host terrace, streetscene and locality.

4.1.2 The Inspector considered the proposed development to represent a discordant feature in the streetscene which would be unacceptably dominant and bulky. As a result, the Inspector concluded the character and appearance of the host terrace, streetscene and locality would be harmed. The Inspector found the proposal to conflict with LDF CS Policies PM2 and CSTP22 and accordingly dismissed the appeal.

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

4.2 Application No: 16/01118/HHA

Location: 22 Alderton Road, Orsett, Essex, RM16 3DZ

Proposal: Proposed two storey side extension.

Decision: Appeal Allowed

Summary of decision:

4.2.1 The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the local area.

4.2.2 Taking a contrary view to the Council, the Inspector considered the proposed development to have only have only limited effect on the open appearance of the property and streetscene. The Inspector considered the case put forward by both parties but concluded the development would be in keeping with the character and appearance of the local area. The appeal was consequently allowed.

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

4.3 Application No: 16/00881/HHA

Location: 19 Field Road, Aveley, Essex, RM15 4AL

Proposal: Part single storey and part two storey rear extension with two storey side extension.

Decision: Appeal Dismissed

Summary of decision:

4.3.1 The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the local area.

4.3.2 The Inspector took the view that, the lack of visual break between the existing building and the height and design of the roof would result in the front of the appeal property appearing large and bulky in comparison to the adjoining house. The Inspector concluded that this would detract from the designed appearance of the pair of houses and would detract from the character and appearance of this part of Field Road, contrary to LDF CS Policies PMD2 and CSTP22.

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

4.4 Application No: 16/01094/HHA

Location: 50 King Edward Drive, Grays, Essex, RM16 4AQ

Proposal: Conversion and extension of existing garage to form ancillary granny annexe

Decision: Appeal Allowed

Summary of decision:

4.4.1 The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the local area.

4.4.2 The Inspector took a contrary view to the Council and found that the development would be in keeping with the character and appearance of the

host property. The Inspector consequently allowed the appeal; in doing so the Inspector imposed conditions to prevent the annexe from being occupied as separate living accommodation to No.50 King Edward Drive.

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

4.5 Application No: 16/00926/HHA

Location: Silverside, Vange Park Road, Vange

Proposal: Proposed side/rear extension and two dormer roof extensions.

Decision: Appeal Dismissed

Summary of decision:

4.4.1 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 development on the openness of the Green Belt; and
- III. If the development would be inappropriate, 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 it.

4.4.2 In relation to (I), the Inspector concluded that the near quadrupling of the size of the original building would be a disproportionate addition over and above the size of the original building. Accordingly, the proposed development represented inappropriate development in the Green Belt.

4.4.3 In relation to (II), the Inspector took the view that the cumulative size and bulk of the extensions would lead to a reduction in the openness of the Green Belt.

4.4.4 In relation to (III), the Inspector considered the appellant's case for the development but concluded that there were no very special circumstances to clearly outweigh the harm to the Green Belt. Accordingly, the appeal was dismissed.

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

4.6 Application No: 16/00247/HHA

Location: 2 Marie Close, Corringham, Essex, SS17 9EX

Proposal: Removal of existing conservatory and retention of extended games room.

Decision: Appeal Dismissed

Summary of decision:

- 4.6.1 This appeal related to an Enforcement Notice served on 14th January 2016 relating to the unauthorised erection of an extension, canopy and alterations to existing outbuildings.
- 4.6.2 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 development on the openness of the Green Belt; and
 - III. If the development would be inappropriate, 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 it.
- 4.6.3 In relation to (I), the Inspector concluded that the development represented a disproportionate addition to the original property. Accordingly, the development represented inappropriate development in the Green Belt.
- 4.6.4 In relation to (II), the Inspector found the development to harm openness but took the view that the loss of openness does not materially affect the character and appearance of the surroundings.
- 4.6.5 In relation to (III), the Inspector considered the appellant's case for the development but concluded that there were no very special circumstances to clearly outweigh the harm to the Green Belt. Accordingly, the appeal was dismissed. In dismissing the appeal, the Inspector noted that the time frame for removing the development as specified in the Enforcement Notice (three months) was sufficient.
- 4.6.6 The full appeal decision can be found [here](#)

4.7 Application No: 16/01311/HHA

Location: The Gables, Brentwood Road, Bulphan, Essex

Proposal: Detached garage

Decision: Appeal Dismissed

Summary of decision:

- 4.7.1 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 development on the openness of the Green Belt; and
 - III. If the development would be inappropriate, 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 it.

- 4.7.2 In relation to (I), the Inspector concluded that the proposed garage would constitute inappropriate development because the property had previously been extended to the maximum limits of LDF CS Policy PMD6. Accordingly, the proposed development represented inappropriate development in the Green Belt.
- 4.7.3 In relation to (II), the Inspector found there would be some additional harm arising from the loss of openness arising from the development.
- 4.7.4 The Inspector took into account the appellant's case but found their case to not clearly outweigh the totality of harm arising from the development. Consequentially the appeal was dismissed.
- 4.7.5 The full appeal decision can be found [here](#)

4.8 Application No: 16/00992/FUL

Location: 3 Longley Mews, Grays, Essex, RM16 3AG

Proposal: Proposed front extension and dormer to garage and subsequent conversion to self contained annexe.

Decision: Appeal Dismissed

Summary of decision:

- 4.8.1 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 development on the openness of the Green Belt; and
 - III. If the development would be inappropriate, 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 it.
- 4.8.2 In relation to (I), the Inspector noted that the property had already reached its maximum size (under LDF CS PMD6) and the proposed development would take the dwelling beyond the allowances of PMD6.
- 4.8.3 In relation to (II), the Inspector took the view that the appeal proposal would result in development where there is none currently, harming the openness of the Green Belt.
- 4.8.4 In relation to (III), The Inspector found there to be no very special circumstances to clearly outweigh the harm that would result. Accordingly, the appeal was dismissed.
- 4.8.5 The full appeal decision can be found [here](#)

4.9 Application No: 14/00321/CUSE

Location: Bulimba, Butts Road, Stanford Le Hope, SS17 0JH

Breach: Unauthorised change of use of the land from a residential garden to commercial use for open storage of wood and timber products and the erection of a 3m high metal fence to enclose and delineate the land.

Decision: Appeal Allowed

Summary of decision:

4.9.1 This appeal related to an Enforcement Notice served on 11th May 2016 relating to the unauthorised change of use of the land from a residential garden to commercial use for open storage of wood and timber products and the erection of a 3m high metal fence to enclose and delineate the land.

4.9.2 During the appeal hearing the Inspector took into account the case presented by the Council, appellant and third parties. In weighing the case, the Inspector found that the unauthorised use of the site does not harm the living conditions of the neighbouring occupiers having regard to noise and disturbance. Accordingly, the Inspector allowed the appeal and quashed the Enforcement Notice.

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

4.10 Application No: 15/01342/FUL

Location: Bulimba, Butts Road, Stanford Le Hope, SS17 0JH

Proposal: Retrospective 2.7m high fence and non-retrospective change of use of part of residential garden to commercial open storage. Amendment to previous application by reducing the fence height and increasing the distance from the residential property by an additional 2.4m.

Decision: Appeal Dismissed

Summary of decision:

4.10.1 Prior to the issue the Enforcement Notice, the appellant submitted a revised planning application and proposed a reduction in the height of the fence to 2.7m and a reduction in the depth of the yard by 2.4m. The Inspector took the view that these changes would only result in a marginal improvement to the outlook from the neighbouring properties.

4.10.2 In respect of the appeal reported above, the Inspector found that the unauthorised use of the appeal site does not harm the living conditions of neighbouring occupiers, having regard to noise and disturbance. The Inspector drew the same conclusion here as the development is no different from those

appeals on this point. However, the proposed reduction in the height of the fence to 2.7m together with the set back of 2.4m would harm the living conditions of neighbouring occupiers with regard to outlook. As such, the Inspector found there to be conflict with LDF CS Policies PMD1 and PMD2. Accordingly, the appeal was dismissed.

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

5.0 Forthcoming public inquiry and hearing dates:

5.1 The following inquiry and hearing dates have been arranged:

5.2 None.

6.0 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	4	1	3	1	0	9	0	39
No Allowed	2	0	0	0	0	4	1	1	1	0	0	0	15
% Allowed													38%

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: **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 Team Leader

This page is intentionally left blank