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| 31 August 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 Assistant Director: Andy Millard, Assistant Director - Planning and Growth | | |
| Accountable Director: Steve Cox, Corporate 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:** 17/00128/FUL

Location: 15 Giffords Cross Avenue, Corringham

Proposal: Change of use of land to residential curtilage and retention of re-sited boundary fencing [Retrospective]

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/00061/HHA

Location: 9 Palmerston Road, South Stifford, Grays

Proposal: Two storey side extension.

Decision: Appeal Dismissed

Summary of decision:

4.1.1 This application was rejected by the Council because the proposal failed to comply with CS Policies PMD1, PMD2 and the NPPF by virtue of the excessive width and bulk of the extension compared to the original dwelling.

4.1.2 In determining the appeal the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the surrounding area.

4.1.3 The Inspector noted that the proposal would considerably increase the overall bulk and scale of the appeal property. This would appear at considerable odds with the bulk and scale of other dwellings within the terraced block and other dwellings along the road in general. Consequently, it would represent a dominant and incongruous form of development which would give rise to significant harm to the character and appearance of the streetscene and area.

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

4.2 Application No: 17/00342/HHA

Location: 1 Scratton Road, Stanford Le Hope

Proposal: Two storey side and two storey rear extension, loft conversion including two front and two rear dormers with the replacement and remodelling of the fenestration throughout

Decision: Appeal Dismissed

Summary of decision:

4.2.1 This application was rejected by the Council because the proposal failed to comply with CS Policies PMD1, PM2 and the criteria within Annexe A1 of the

Thurrock Local Plan 1997 by virtue of the depth, width and overall design, including the provision of a crown roof. The Council argued that the development would give rise to significant and unacceptable levels of overlooking into the rear amenity space of 39 Corringham Road.

4.2.2 In determining the appeal, the Inspector considered the main issue to be:

- i. the living conditions of the occupiers of Nos 1a and 3 Scratton Road, with regard to outlook;
- ii. the living conditions of the occupiers of No 39 Corringham Road, with regard to privacy; and
- iii. the character and appearance of the host dwelling and surrounding area.

4.2.3 With regards to (i) and (ii) the Inspector concluded that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of Nos 1a and 3 Scratton Road, with regard to outlook; and on the living conditions of the occupiers of No 39 Corringham Road, with regard to privacy.

4.2.4 With regards to (iii), the Inspector observed there to be no uniformity of design and appearance of properties at this end of Scratton Road where most buildings are later additions compared to the uniform semi-detached dwellings that form the main property type on the same side of the road. The Inspector concluded that while the extended dwelling would contrast with the scale and appearance of its immediate neighbours either side it would not be so incongruous in this part of the street scene as described to cause significant harm.

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

4.3 Application No: 17/00113/HHA

Location: 9 Marie Close, Corringham

Proposal: Erection of outbuilding

Decision: Appeal Dismissed

Summary of decision:

4.3.1 This application was rejected by the Council because the outbuilding, due to its size and scale and impact upon the openness and rural character of the site, represented a disproportionate addition over and above the original building and dwelling. It was considered to be inappropriate development within the Green Belt contrary to the advice within the NPPF and Policy PMD6.

4.3.2 In determining the appeal 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 rural character of the area.
- IV. If the proposal is inappropriate development whether there are any other considerations that clearly outweigh the harm to the Green Belt due to inappropriateness and any other harm and whether very special circumstances exist to justify the development.

4.3.3 In relation to (i) the Inspector concurred with the Council and found the proposal to constitute inappropriate development.

4.3.4 In relation to (ii) and (iii) the Inspector did not consider the development to materially harm the openness of the Green Belt but in relation to (IV) found no other consideration that would clearly outweigh the harm as a result of inappropriateness. The Inspector concluded that very special circumstances sufficient to justify inappropriate development in the Green Belt did not exist.

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

4.4 **Application No: 16/01627/HHA**

Location: 2 Cherry Down, Grays

Proposal: Double storey side extension

Decision: Appeal Dismissed

Summary of decision:

4.4.1 This application was rejected by the Council because the extension would result in the dwelling being brought to within 17cm of the site boundary. By reason of its proximity to the highway the extended dwelling would appear as a dominant and incongruous feature in the street scene, which would be out of character with the prevailing form of the development to the detriment of the character and visual amenities of the area.

4.4.2 In determining the appeal the Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the streetscene.

4.4.3 The Inspector took the view that the proposed extension would introduce an overbearing built form, which when viewed in the main part of the cul-de-sac would present an unattractive, featureless elevation which would appear prominently within this streetscene, detrimental to its overall character and appearance.

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

4.5 Application No: 16/01683/HHA

Location: 50 Crofton Road, Grays

Proposal: Retrospective application for reconfiguration of front dormers from approved application 16/00153/HHA

Decision: Appeal Allowed

Summary of decision:

4.5.1 This application was rejected by the Council because the dormers would occupy 38% of the roof slope, contrary to the criteria within Annexe A1 of the Thurrock Local Plan 1997.

4.5.2 In determining the appeal the Inspector considered the main issue to be the effect on the character and appearance of the host dwelling and streetscene.

4.5.3 The Inspector noted that the proposal was in conflict with Annexe A1 but took the view that the dormers that had been installed were not overly large in relation to the existing extended roof slope. The Inspector did not share the Council's concerns over the cluttered appearance and found the dormers to be relatively well balanced.

4.5.4 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 | 2 | 2 | 6 | 5 | | | | | | | | | 15 |
| No Allowed | 0 | 2 | 4 | 1 | | | | | | | | | 7 |
| % Allowed | | | | | | | | | | | | | 46% |

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:

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