

14 February 2019		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Leigh Nicholson, Strategic Lead of Development Services		
Accountable Assistant Director: Andy Millard, Assistant Director of Planning, Transportation and Public Protection.		
Accountable Director: Steve Cox, Corporate Director of 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: 18/00325/PHA

Location: 521 London Road, South Stifford, Grays

Proposal: Rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 3 metres and eaves height of 2.7 metres.

4. Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 17/00818/FUL

Location: Land Adjacent 94 Fobbing Road, Corringham

Proposal: Proposed footpath/paving, low level walls, shed, temporary caravan and temporary hard standing.

Decision: Appeal Dismissed

4.1.2 The Inspector considered the main issues to be i) whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework and, if so, the effect on the openness of the Green Belt; ii) whether the proposal would result in any other harm; and iii) 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.

4.1.3 The Inspector found that the proposal constituted inappropriate development and it would also be in conflict with the Core Strategy, he found that no very special circumstances had been provided

4.1.4 The appeal was consequently dismissed.

4.1.5 The full appeal decision can be found online.

4.2 **Application No: 17/01593/FUL**

Location: 25 Dawley Green, South Ockendon

Proposal: Erection of a new dwelling in the garden of 25 Dawley Green, South Ockendon, Thurrock.

Decision: Appeal Dismissed

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

4.2.2 The Inspector felt that the residential area has a distinct character and appearance and a sensitive approach needed to be taken to avoid development that fails to reflect its carefully designed layout, spaces and building forms. The proposal would be an unduly cramped and incongruous development that in such a context would not represent a high quality of design. The Inspector therefore found the proposal contrary to the criteria of the Core Strategy.

4.2.3 The appeal was consequently dismissed.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 17/01090/FUL

Location: 8 Hutson Terrace, London Road, Purfleet

Proposal: Extend terrace house to side to create a new dwelling house.

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be whether the proposed development would provide an acceptable level of air quality for future occupiers and the effect to the character and appearance of the site and surroundings.

4.3.2 The Inspector took the view that not enough evidence had been submitted to ensure that the development would offer acceptable air quality, nor that this could be satisfied by condition. It was deemed the appellant had failed to demonstrate that the development would provide suitable living conditions of future occupiers in respect to air quality.

4.3.3 The Inspector also took the view that the proposed development would introduce a gable roof on one end of the terrace which would be a narrower width than the other dwellings. These features would be an incongruous addition to an otherwise uniform pair of terraces, and the composition of the terrace would be unbalanced such that the character and appearance of the terrace would be harmed.

4.3.4 The Inspector dismissed the appeal on these grounds.

4.3.5 The full appeal decision can be found online.

4.4 Application No: 18/00601/FUL

Location: 45 Turnstone Close, East Tilbury

Proposal: Realignment of 1.8 metre high timber fence on the edge of the property (change of use of land)

Decision: Appeal Dismissed

4.4.1 The Inspector considered that the main issue was the impact on the character and appearance of the area.

4.4.2 The Inspector noted that there was a clear demarcation between the enclosed gardens of the properties in the area and the open areas to the front and side which contribute towards the open character of the area. The Inspector considered that the proposed fence would extend out, forward of the building line and would therefore appear as an intrusive and

incongruous feature within this generally open area which plays an important role in its open plan appearance.

4.4.3 The Inspector concluded that it would disrupt the existing clear definition between the built development and landscaped open green aspect to this part of the estate. As a result the proposal would be harmful to the character and appearance of the area.

4.4.4 The Inspector dismissed the appeal on this basis.

4.4.5 The full appeal decision can be found online.

4.5 **Application No: 18/01066/HHA**

Location: 97 Hogg Lane, Grays

Proposal: Single storey rear extension and loft conversion with front and rear dormers

Decision: Appeal Allowed

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

4.5.2 In relation to the rear dormer, although he did not observe any other flat roof dormers on nearby properties, and acknowledging it would be visible from the public domain, he considered its modest size and proportions in this instance would not harm the character and appearance of the area. Accordingly he considered it to be policy compliant.

4.5.3 The full appeal decision can be found online.

4.6 **Application No: 18/00426/HHA**

Location: Summerville, Fort William Road, Corringham

Proposal: Retrospective - Erect a garden wall and gates at the entrance to drive

Decision: Appeal Dismissed

4.6.1 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 proposal on the openness of the Green Belt; iii) the effect of the proposal on the character and appearance of the area; iv) if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify the development

4.6.2 The Inspector found that the walls and gates represented inappropriate development in the Green Belt, that they have limited impact on the openness of the Green Belt, that the walls and gates because of their size, solidity and decorative form had introduced harsh and formal urbanising features which were at odds with the semi-rural character, creating visual harm, contrary to Policies CSTP22 and PMD2 of the Core Strategy.

4.6.3 He also found that there were no very special circumstances in this instance to warrant a departure on Green Belt grounds being made.

4.6.4 The Inspector dismissed the appeal on this basis.

4.6.5 The full appeal decision can be found online.

5. Forthcoming public inquiry and hearing dates:

5.1 Application No: 17/00390/CUSE - 17/00076/CLEUD

Location: Hovels Farm, Vange Park Road

Proposal: Unauthorised use of the land.

Dates: 18 June 2019

5.2 Application No: 18/00082/FUL

Location: Malgraves Meadow, Lower Dunton Road, Horndon On The Hill

Proposal: Retention of the existing single storey timber building for use in association with agricultural enterprise at the farm. Removal of flue on roof, removal of biomass burner boiler and associated plumbing and modification of the building front elevation.

Dates: **14 May 2019**

5.3 Application No: 18/00034/BUNWKS

Location: Police Station, Gordon Road, Corringham

Proposal: Unauthorised works without the benefit of planning permission.

Dates: **21 May 2019**

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	0	4	2	0	2	3	5	6				22
No Allowed	0	0	0	1	0	1	1	0	1				4
% Allowed													18%

7. Consultation (including overview and scrutiny, if applicable)

7.1 N/A

8. 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: **Laura Last**
Management Accountant

There are no direct financial implications to this report.

9.2 Legal

Implications verified by: **Benita Edwards**
Interim Deputy Head of Law (Regeneration)
and Deputy Monitoring Officer

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: **Natalie Warren**
Strategic Lead Community Development
and Equalities

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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Place