

9 January 2020		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead of Development Services		
Accountable Assistant Director: Leigh Nicholson, Interim Assistant Director of Planning, Transportation and Public Protection.		
Accountable Director: Andy Millard, 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: 19/00690/FUL

Location: Tyelands Farm House, South Hill, Langdon Hills

Proposal: Demolition of existing dwelling and other outbuildings along with the removal swimming pool, tennis courts and garaging to construct 2no. 4bed detached houses

3.2 Application No: 19/00671/HHA

Location: 5 Bristowe Drive, Orsett

- Proposal: Variation of condition to convert garage into utility room, front extensions and part first floor side extension
- 3.3 Application No: 19/00367/HHA**
- Location: Greystead, Parkers Farm Road, Orsett
- Proposal: Garage extension
- 3.4 Application No: 18/00324/AUNWKS**
- Location: Milo, South Avenue, Langdon Hills
- Proposal: Without the benefit of planning permission, the erection of a dwelling on the land (including excavation of a basement as part of the dwelling) and the erection of an outbuilding on the land.
- 3.5 Application No: 19/00896/FUL**
- Location: 2 Hall Lane, South Ockendon
- Proposal: Two storey detached dwelling with new vehicular access and associated hardstanding and landscaping
- 3.6 Application No: 19/01117/FUL**
- Location: 13 Crouch Road, Chadwell St Mary
- Proposal: Erection of 6 bedroom house of multiple occupation on land adjacent to 13 Crouch Road with associated hardstanding

4. Appeals Decisions:

The following appeal decisions have been received:

- 4.1 Application No: 19/00703/FUL**
- Location: Cladding UK Ltd, 12 London Road, Stanford Le Hope
- Proposal: Demolish rear garage block, and erect proposed two storey side extension, part single part two storey rear extension to form four self contained flats consisting of two 2 bed Units and two 1 bed units along with associated cycle and bin store, landscaping and car parking.
- Decision: Appeal Dismissed

- 4.1.1 The Inspector considered the main issues to be: whether satisfactory living conditions would be provided for the future occupiers of the development, with particular regard to privacy: and the effect of the development upon the surrounding highway system.
- 4.1.2 The proposed ground floor flat would have bedroom windows facing onto a communal garden area. The Inspector found the proposal would be likely to lead to overlooking of the bedroom areas of the property and there would be no measures that could secure the privacy of the occupiers without harming the amenities of the occupiers. Accordingly the proposal would fail to provide an adequate living environment for potential occupiers.
- 4.1.3 The application proposed a single car parking space and would provide for 4 dwellings; two with 2 bedrooms. The Inspector found that there was no method to restrict parking for the new properties proposed and that the development would likely to lead to on street parking to the detriment of highways safety.
- 4.1.4 Accordingly, the application was found to be contrary to Policies PMD1 and PMD8 of the Core Strategy and the appeal was dismissed.
- 4.1.5 The full appeal decision can be found online.

4.2 Application No: 19/00530/FUL

Location: Party Crown Direct Ltd, 61 Lampits Hill, Corringham

Proposal: Erection of a single storey bungalow to rear of No.61 with associated hardstanding and landscaping along with parking area to the front of No.61

Decision: Appeal Dismissed

- 4.2.1 The Inspector considered the main issues to be: the effect of the development on the character and appearance of the surrounding area; and whether suitable living conditions would be provided for the future occupiers of the site.
- 4.2.2 The proposed bungalow was considered to represent a confined form of development, out of character with the surrounding area, due to its backland location, which would erode the more prevalent form of development in the area.
- 4.2.3 The proposed dwelling would have a small garden that would fall below the required standards, would have windows in close proximity to the site boundaries which would overlook fencing and would be overlooked from nearby properties. The Inspector considered the proposal would result in unacceptable living conditions for future occupiers of the site.

4.2.4 Accordingly the proposals were found to be contrary to Policies PMD1, PMD2 and CSTP22 of the Core Strategy.

4.2.5 The full appeal decision can be found online.

4.3 Application No: 18/00984/FUL

Location: Land To North East Of St Cleres Hall, Stanford Road, Stanford Le Hope

Proposal: Erection of a terrace of 4no. residential dwellings with associated hardstanding and landscaping following demolition of existing buildings

Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues to be whether the proposal was inappropriate development in the Green Belt having regard to local and national policy, the effect of the proposal on the character and appearance of the area, the effect of the proposal on the setting of the Grade II* Listed Building St Clere's Hall and the planning and Green Belt balance.

4.3.2 In terms of the Green Belt the Inspector found that that the proposed development would have a greater effect on the openness of the Green Belt than the existing buildings on the red-line appeal site. As a result it did not fall within any of the exceptions to inappropriate development set out in paragraph 145g of the NPPF and the relevant part of Policy PMD6. Therefore the Inspector found that the development was inappropriate development in the Green Belt. They also found that the proposal would result in harm to openness by reason of encroachment into the countryside.

4.3.3 With regards to the impact upon the character of the area whilst the Inspector considered the removal of the two existing buildings and the landscaping of the area as intended would enhance the character and appearance of the area. It was considered that that benefit would be largely negated by the proposed development of the terrace and the car parking arrangements would introduce further harm such that the overall effect would be significantly harmful.

4.3.4 In relation to the adjacent Listed Building (St Clere's Hall) the Inspector found that further development proposed would not have an adverse effect on the setting of the listed building.

4.3.5 In terms of the planning balance, the Inspector concluded that the supply of housing would not be sufficient to overcome the failings of the scheme in Green Belt and design terms. As a result, the requirement for other considerations to clearly outweigh the harm was not met and the very special circumstances sufficient to allow inappropriate development in the Green Belt did not exist.

4.3.6 Accordingly the Inspector considered the proposal would represent inappropriate development in the Green Belt, with further harm to the character and appearance of the area, and no very special circumstances were shown to exist. The appeal was therefore dismissed.

4.3.7 The full appeal decision can be found online.

4.4 Application No: 19/00800/HHA

Location: Harbar, 8 Branksome Avenue, Stanford Le Hope

Proposal: First floor side extension and first floor rear extension with roof alterations

Decision: Appeal Allowed

4.4.1 The inspector considered the main issue to be the effect of the proposal on the character and appearance of the locality.

4.4.2 The Inspector noted that there was no great pattern of distances kept in from side boundaries, heights being graded, roof types or upper level spaciousness or consistency. Within its context, the proposed changes to the host property would go largely unnoticed within the wider street scene and would not appear aesthetically out of place. The Inspector also found the works related well to the existing property and would not be visually inappropriate alongside the neighbouring bungalow.

4.4.3 Accordingly, the development complied with the Core Strategy and the NPPF and the appeal was allowed subject to conditions.

4.4.4 The full appeal decision can be found online

4.5 Application No: 19/00961/HHA

Location: 29 Cullen Square, South Ockendon

Proposal: Retrospective application for outbuilding to be used as office and gym.

Decision: Appeal Allowed

4.5.1 The Inspector considered the main issues to be the effect of the proposal on living conditions for i) neighbours and ii) occupiers of the appeal property.

4.5.2 The Inspector concluded that the proposal would not have unacceptable adverse effects on living conditions for either the neighbours or the occupiers of the appeal property.

4.5.3 Accordingly, the development complied with the Core Strategy and the NPPF and the appeal was allowed subject to conditions.

4.5.4 The full appeal decision can be found online.

4.6 Application No: 19/00269/FUL

Location: 53 - 55 Third Avenue, Stanford Le Hope

Proposal: Nine dwellings with associated access road, hardstanding, landscaping and bike stores following the demolition of two existing detached bungalows

Decision: Appeal Dismissed

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

4.6.2 The Inspector considered that the positioning of the dwellings, near one another and the site boundaries, would appear as a cramped form of development. This would jar with the spacious garden areas of the immediately adjacent dwellings and the surrounding area resulting in significant harm to the identified distinctive character and appearance of this part of the Homesteads ward.

4.6.3 Therefore the proposal was found to be contrary to Policies PMD2, CSTP22 and CSTP23 of the CS which seek, amongst other things, to protect, manage and enhance the character of Thurrock to ensure improved quality and strengthened sense of place. The appeal was therefore dismissed.

4.6.4 The full appeal decision can be found online.

4.7 Application No: 19/00671/HHA

Location: 5 Bristowe Drive, Orsett

Proposal: Variation of condition to convert garage into utility room, front extensions and part first floor side extension

Decision: Part allowed Part Dismissed

4.7.1 The main issues in this appeal were: the effect of the proposed extension on the character and appearance of the host property, the street scene and area, also the effect of the change of use of the garage upon the off street parking.

4.7.2 The Inspector considered that while there are design variations within the street scene, generally the houses are characterised by the main part of the houses having gable designed fronts, also that any two storey parts which are of a right angle to the main elements are generally set back. The proposed

extension would be flush with the front wall of the house and not set back, therefore the lack of setback would result in the reduction of the gap; a less varied building form; an awkward junction between new and old walls; the loss of the eaves detailing; and insufficient space to provide decorative detailing above the proposed first floor front window.

4.7.3 It was considered by the Inspector, that the proposal would have a harmful effect on the character and appearance of the host property and street scene and therefore it would be contrary to Policies PMD2 and CSTP22 of the Core Strategy and RAE.

4.7.4 In regards to the garage conversion the Inspector agreed with the Council's decision, which raised no objections to the conversion, and found no harmful effect upon off street parking.

4.7.5 Accordingly the appeal was part dismissed and part allowed subject to conditions

4.7.6 The full appeal decision can be found online.

4.8 Application No: 19/00521/HHA

Location: 181 Crammavill Street, Stifford Clays

Proposal: Single storey front extension

Decision: Appeal Allowed

4.8.1 The Inspector considered the main issue to be the effect of the proposed development on the character and appearance of the dwellinghouse and wider area.

4.8.2 The Inspector found that the proposed extension would be about half the width of the front elevation. Although it would be larger than any other front extension within this terrace, it was not considered that it would not be particularly large within the context of the immediate area. It would be a subordinate addition to the property, and of sufficiently shallow depth so that it would not appear unduly prominent within the terrace or wider street scene.

4.8.3 Accordingly the proposal was found to have an acceptable effect on the character and appearance of the dwellinghouse and wider area. The proposal was therefore found to accord with the requirements of policies CSTP22 and PMD2 of the Core Strategy, the RAE and the requirements of the National Planning Policy Framework

4.8.4 The full appeal decision can be found online.

4.9 Application No: 19/00367/HHA

Location: Greystead, Parkers Farm Road, Orsett

Proposal: Single storey front extension

Decision: Appeal Dismissed

4.9.1 The main issues in this appeal were: whether the proposal constitutes inappropriate development within the Green Belt; and if 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.

4.9.2 The Inspector stated that the proposal would result in inappropriate Development within the Green Belt, it would also cause harm to the openness of the Green Belt, albeit to a relatively limited degree. The Inspector also noted that the Framework requires that substantial weight is given to any harm to the Green Belt and that 'very special circumstances' will not exist unless the potential harm to the Green Belt, by reason of inappropriateness and any other harm, is clearly outweighed by other considerations. Within this case the other considerations did not clearly outweigh the harm the scheme would cause. Consequently, very special circumstances do not exist, and the proposal would conflict with the Framework.

4.9.3 The Inspector then concluded that the proposal would have a harmful effect on the Green Belt. In conflicting with Policy PMD6 of the Core Strategy the proposal cannot comply with the development plan as a whole.

4.9.4 Accordingly the appeal was dismissed.

4.9.5 The full appeal decision can be found online.

5. APPEAL PERFORMANCE:

5.1 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	3	7	3	1	14	5	3	5	9				50
No Allowed	1	0	0	0	3	0	2	1	3				10
% Allowed	33.33%	0%	0%	0%	21.4%	0%	66.66%	20%	33.33%				20%

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

N/A

7. Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

8. Implications

8.1 Financial

Implications verified by: **Laura Last**
Management Accountant

There are no direct financial implications to this report.

8.2 Legal

Implications verified by: **Tim Hallam**
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').

8.3 Diversity and Equality

Implications verified by: **Natalie Smith**
Strategic Lead Community Development and
Equalities

There are no direct diversity implications to this report.

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

None.

9. 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.

10. Appendices to the report

None

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Place