

23 September 2021		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Louise Reid, Strategic Lead - Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director – Planning, Transport and Public Protection.		
Accountable Director: Julie Rogers, Director of Public Realm		

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:** 21/00175/HHA

Location: 2 Bredle Way, Aveley

Proposal: Single storey rear and double storey side extension

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 20/01436/HHA

Location: 33 Saffron Road, Chafford Hundred, Grays

Proposal: Loft Conversion including clipped hip to gable alteration construction of rear dormer and three front facing roof lights

Appeal Decision: Appeal Dismissed

4.1.1 The main issue was considered to be the impact on the character and appearance of the area.

4.1.2 By reason of its overall width, more than half the width of the roof, the dormer was found to be contrary to the RAE, and its size and scale would make it appear dominant when viewed from the public realm. The Inspector noted that *“although other dormer windows were visible in close proximity to the site, these examples confirm that such dormer extensions can be detrimental to the character and appearance of an area and therefore should not be used as a reason to allow a similar development”* .

4.1.3 The proposal would be contrary to Policies PMD2 and CSTP22 of the Core Strategy and the RAE.

4.1.4 Accordingly the appeal was dismissed.

4.1.5 The full appeal decision can be found online.

4.2 Application No: 20/01632/HHA

Location: 6 Church Crescent, South Ockendon

Proposal: Part two storey part single storey rear extension

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered that the main issues of the appeal were the effect of the development on the living conditions of No 8 Church Crescent.

4.2.2 It was considered that given the extent of that projection, and the proximity of the adjacent window at No 8 the proposal would have an overbearing impact when viewed from within the dwelling and the garden immediately to the rear. Given the scale and height of the proposed extension in conjunction with its proximity to No 8 it would obstruct light and outlook from a ground floor window at this neighbouring property, which serves a habitable room, which was considered to be harmful to the living conditions of neighbouring residents.

4.2.3 It was therefore concluded, that by virtue of its depth in proximity to the boundary, the proposed rear extension would have an overbearing impact and result in a loss of light to a habitable room and outlook when viewed from the neighbouring property at No. 8 such that it would have a detrimental effect on the living conditions of residents of that dwelling. Accordingly, it would be contrary to policy PMD1 of the CS and the guidance contained within the RAE which together seek to ensure appropriate standards of amenity for existing occupiers.

4.2.4 The appeal was dismissed.

4.2.5 The full appeal decision can be found online.

4.3 Application No: 20/01547/PAOFFR

Location: Go Train Ltd, Victoria House, Clarence Road, Grays

Proposal: Change of Use from office to 4 flats

Appeal Decision: Appeal Dismissed

4.3.1 This appeal represents a Prior Approval application, rather than a Planning Application.

4.3.2 On 1 September 2020 significant changes to the Use Classes Order were made. The existing rights for changes of use from offices to residential use continued to apply until 31 July 2021. The application was made in 2020, and was in time.

4.3.3 Any applications made after 1 August 2021 would be under different provisions. Given the timing of the appeal, the Inspector found the application could no longer be considered against the regulations against which the proposal was considered by the Council.

4.4.4. Accordingly the appeal was dismissed.

4.4.5 The full appeal decision can be found online.

4.4 Application No: 20/01507/FUL

Location: 1 Grove Road, Grays

Proposal: Extension to garage and conversion to HMO

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered that the main issues of the appeal were the character and appearance of the area, the living conditions of future occupiers, with particular reference to amenity space and internal space standards. Highway and pedestrian safety, with particular reference to the proposed parking arrangements, and the living conditions of existing occupiers, with regard to noise and disturbance.

4.4.2 The Inspector noted that the extended building would fill the entire width of the site. The introduction of glazing, would lead to a domesticated appearance, the top of which would be visible from outside of the site. The proposed outbuilding was considered to be a prominent structure, which would as a result of its design and appearance, be notable as a dwelling, rather than a domestic outbuilding, which was considered to be a discordant form of development, whereby existing dwellings front the street, failing to visibly integrate with the existing pattern of development contrary to CSTP22 and PMD2 of the Core Strategy.

4.4.3 Whilst the Inspector considered that the bedrooms to be provided would be adequate in their footprint, having regard to the proposed layout and size of the kitchen, it would be difficult for occupiers to spend time together comfortably in the communal areas. The lack of space to sit, eat and socialise, without being isolated within their own room would be detrimental to future occupiers and this is a factor which weighed against the proposal for the Inspector as it was considered that the development would fail to provide acceptable living conditions for future occupiers, with particular reference to internal living standards, contrary to policy PMD1.

4.4.4 The Inspector highlighted that the proposed development would result in the loss of the off-road parking space for 1 Grove Road and therefore increase demand for the parking provided within the neighbouring parking areas and streets. Increased parking demand in instances of limited supply may lead to additional congestion as drivers seek parking spaces, or park illegally, which would be detrimental to highway safety. It was considered by the Inspector that the proposed development would lead to a detrimental effect on parking conditions, and consequently highway safety, and would conflict with policies PMD2 and PMD8 of the Core Strategy.

4.4.5 Accordingly the appeal was dismissed

4.4.6 The full appeal decision can be found online.

4.5 Application No: 19/01296/FUL

Location: Curtis Farm, High Road, Fobbing

Proposal: Erection of new agricultural building

Appeal Decision: Appeal Dismissed

4.5.1 The main issues were i) whether the development would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies, ii) the effect of the proposal on the character and appearance of the area; iii) the effect of the proposal on the significance of the designated heritage assets.

4.5.2 The appeal site is situated within the grounds at Curtis Farm, which is designated as Green Belt land, adjacent to the Fobbing Conservation Area and nearby to a number of listed buildings within the local vicinity.

4.5.3 In terms of Green Belt, the agricultural justification for inappropriate development, the Local Planning Authority consulted the Council's Agricultural advisor. It was concluded the appeal proposal constituted inappropriate development due to the proposed use of the building and scale.

4.5.4 Conversely, the Inspector took the view that as a planning permission had been sought for an agricultural building, the Framework does not add any qualifications or limitations, in terms of scale or siting and, therefore, concluded these cannot be a factor in evaluating whether a building would be inappropriate. Therefore, the development would not be inappropriate it should not be regarded as harmful either to the openness of, or to the purposes of including land in, the Green Belt.

4.5.5 With regards to the effect of the proposal on the character and appearance of the area, the Inspector held that the development would fail to accord with NPPF requirements for development to be visually attractive and sympathetic to local character including surrounding landscape setting.

4.5.6 The nearby heritage assets were deemed to be preserved by the proposal and not harm the significance that any of the listed buildings derive from their setting.

4.5.7 The Inspector concluded the absence of Green Belt or heritage harm weigh neutrally and does not amount to considerations in support of the appeal. The conclusion was the proposal would harm the character and appearance of the area in conflict with the development plan taken as a whole. The appeal was, therefore, dismissed.

4.5.8 The full appeal decision can be found online.

4.6 Application No: 20/01276/FUL

Location: 2 Hall Lane, South Ockendon

Proposal: Development of a single-storey, 1-bedroom dwelling and reconfiguring the existing dwelling's rear extension and new vehicle crossover

Appeal Decision: Appeal Dismissed

4.6.1 The Inspector considered the main issue to be the effect of the development on the character and appearance of the area and on the setting of designated and non-designated heritage assets.

4.6.2 The Inspector found the development would result in an increase in the density of development within the locality, which is generally characterised by loosely spaced development. This increased density would lead to an urbanising affect which would be both out of character and harmful to the overall character and appearance of the area and it would not be compatible with the surrounding development and would have a harmful impact on the setting of No 1 and 2 Hall Las, non-designated heritage assets which are further down Hall Lane.

4.6.3 The Inspector found the proposal would not accord with the policies of the NPPF which seek to conserve and enhance the historic environment and would be contrary to policies PMD4 and CSTP24 of the Core Strategy. It would also be contrary to policies PMD2 and CSTP22 of the CS which promotes high quality design which responds to the sensitivity of the site and its surroundings.

4.6.4 Accordingly the appeal was dismissed.

4.6.5 The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	1	4	0	7	6								18
No Allowed	0	1	0	4	0								5
% Allowed	0%	25%	0%	57.14%	0%								27.78%

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

6.0 Consultation (including overview and scrutiny, if applicable)

6.1 N/A

7.0 Impact on corporate policies, priorities, performance and community impact

7.1 This report is for information only.

8.0 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 Warren**
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.

9.0. **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