

17 March 2022		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, Transportation 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:** 21/01620/HHA

Location: 6 Whitmore Avenue, Stifford Clays, Grays

Proposal: Single storey rear extension

- 3.2 **Application No: 21/01314/HHA**
Location: 10 Fobbing Road, Corringham
Proposal: Part two storey side and rear extension and a part single storey rear extension, removal of existing boundary wall and railings and increase in hardstanding area to provide additional off street parking
- 3.3 **Enforcement No: 21/00494/BUNUSE**
Location: Brewers Farm, Brentwood Road, Orsett
Proposal: Potential unauthorised lorry parking / storage
- 3.4 **Application No: 21/01204/PNTC**
Location: Highway Land Lancaster Road, Chafford Hundred, Grays
Proposal: Proposed 15 metre telecommunications mast (Phase 8 Street Pole with wraparound cabinet at base), three cabinets and associated ancillary works
- 3.5 **Application No: 21/01482/HHA**
Location: 29 Orsett Heath Crescent, Chadwell St Mary, Grays
Proposal: (Retrospective) Hip to gable loft extension including rear dormer and front rooflight, the rendering of the dwelling and other fenestration alterations
- 3.6 **Application No: 21/01865/CLEUD**
Location: Land To Rear Of Bannatynes Sports Centre Howard Road, Chafford Hundred, Grays
Proposal: Certificate of Lawfulness in respect of works which commenced on 9th July 2021 and which constitute lawful implementation of Planning Permission ref: 16/00307/FUL comprising material operations including

the digging of a trench and the laying of an underground pipe.

3.7 Application No: 21/02043/HHA

Location: 9 Langthorne Crescent, Grays

Proposal: Part first floor side extension

3.8 Application No: 21/01482/HHA

Location: 29 Orsett Heath Crescent, Chadwell St Mary, Grays

Proposal: (Retrospective) Hip to gable loft extension including rear dormer and front rooflight, the rendering of the dwelling and other fenestration alterations

3.9 Application No: 21/01072/HHA

Location: 1 Inglefield Road, Fobbing

Proposal: Hipped to clipped hipped roof extension with front dormer, extension of rear dormer and front rooflight to be reposition.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/00589/HHA

Location: 54 Dupre Close, Chafford Hundred, Grays

Proposal: Retrospective planning application for a metal fence with two access gates

Appeal Decision: Appeal Allowed

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

4.1.2 It was considered the railings would sit appropriately in the mixed townscape of the area and would not be harmful and that they continued to allow accessibility.

4.1.3 Accordingly the appeal was allowed.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/00736/HHA

Location: 27 Fyfield Drive, South Ockendon

Proposal: Two storey rear and side extension. Garage conversion into habitable room, new garage erected to the front of the dwelling.

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered the main issues to be on the character and appearance of the area and the living condition of No 28 & 29 Fyfield Drive with reference to visual impact.

4.2.2 The Inspector found the design to be ungainly and poorly integrated to the main dwelling and coupled with its visibility from Fyfield Drive it would be clearly visible and a discordant feature in the street scene.

4.2.3 He also found that by reason of its size and proximity to the neighbours the extension would be overbearing an oppressive to nearby neighbours resulting in an excessive sense of enclosure.

4.2.4 Accordingly the appeal was dismissed.

4.2.5 The full appeal decision can be found online.

4.3 Application No: 21/00756/HHA

Location: 3 St Pauls Place, Aveley

Proposal: Single storey front extension

Appeal Decision: Appeal Allowed

4.3.1 The Inspector considered the main issue to be the character and appearance of the area.

4.3.2 It was considered given the variety of dwellings and appearances that the extension would not be out of place.

4.3.3 Accordingly the appeal was allowed.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 21/00554/HHA

Location: 106 Digby Road, Corringham

Proposal: Hip to gable loft conversion with front and rear dormers. Single storey rear and side extension with roof lights.

Appeal Decision: Appeal Dismissed

4.4.1 The Inspector considered the main issue of the proposal to be the lack of cohesion and combined effects on the appearance of the property.

4.4.2 It was considered the resulting design would create an awkward and ungainly finished appearance out of keeping with the style of the building resulting in an intrusive impact upon the street scene of Digby Road and Finches Close.

4.4.3 The Inspector considered the impact upon neighbouring amenity and increase in parking requirements not to be justifiable reasons for refusal.

4.4.4 The proposal was found to be contrary to policies CSTP22 and PMD2 of the Core Strategy, the criteria in the RAE and the National Planning Policy Framework.

4.4.5 The full appeal decision can be found online.

4.5 Application No: 20/01095/LBC

Location: 24 Bata Avenue, East Tilbury

Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.

Appeal Decision: Appeal Dismissed

4.5.1 The Inspector considered the key considerations of the appeal to be whether the works would preserve features of special architectural or historic interest of the listed building, and whether the works preserve or enhance the character or appearance of the conservation area.

- 4.5.2 The appeal building is a semi-detached flat roofed Grade II listed building built around 1930 to 1933 and designed by Vladmir Karfik and Frantizek Gahura. The buildings are two storey dwellings with a two-window range to the pair and a rectangular bay to front. The street scene along Bata Avenue is characterised by architecturally similar buildings, with the appeal building having group value with other similar properties along Bata Avenue.
- 4.5.3 The Inspector considered that a key character of the dwelling located within Bata Avenue, is that they are all painted render in white or cream and the majority of windows and doors are timber and are painted peppermint green. It is this visual conformity between the dwellings along Bata Avenue and their architectural detailing together with their close association with the British Bata Shoe Company that the significance of the listed building and of the East Tilbury Conservation Area derives from.
- 4.5.4 The Inspector considered that the introduction of ahistorical black coloured UPVC frames and doors therefore detract from the significance of the listed building and fail to preserve the character and appearance of the conservation area. In terms of the render, the use of a smooth render in a different colour to that at the adjoining No 26 Bata Avenue is discordant with others found on Bata Avenue. The combination of the inappropriate render finish and colour would also have a negative impact on the significance of the listed building and conservation area. As such, the appeal schemes fail to preserve the special interest of the listed building.
- 4.5.5 The Inspector concluded that the scheme had failed to preserve features of special architectural or historic interest of the listed building, and would not preserve or enhance the character or appearance of the conservation area. Accordingly, the appeal scheme is contrary to Policies CSTP22, CSTP23, CSTP24 and PMD4 of the *Thurrock Local Development Framework Core Strategy and Policies for Management of Development 2015*, which, amongst other aims, seek to preserve or enhance the historic environment by promoting the importance of the heritage assets including their fabric. It is also contrary to the Policies of the Framework including those set out in Chapter 16, which seek to ensure that heritage assets are conserved in a manner appropriate to their significance so that they can be enjoyed for their contribution to the quality of life.
- 4.5.6 Accordingly the appeal was dismissed
- 4.5.7 The full appeal decision can be found online.

4.6 Application No: 20/01094/HHA

Location: 24 Bata Avenue, East Tilbury

Proposal: (Retrospective) Replacement of window frames, windows, side and rear doors and rendering.

Appeal Decision: Appeal Dismissed

4.6.1 Please see summary above which is for the associated Listed Building application, the consideration was the same.

4.6.2 The full appeal decision can be found online.

4.7 Application No: 20/00337/HHA

Location: 6 Woolings Row, Baker Street, Orsett

Proposal: Two storey side extension including carport

Appeal Decision: Appeal Dismissed

4.7.1 The Inspector considered the key issues in relation to the proposal to be whether the proposed extension would be inappropriate development in the Green Belt, the effect of the extension on the openness of the Green Belt, the effect of the extension on the character and appearance of 6 Woolings Row and the surrounding area. If the extension 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 circumstance necessary to justify it.

4.7.2 The Inspector considered that the extension would be inappropriate development within the Green Belt. That is because it would not come within the exception referred to either in paragraph 149(c) of the Framework or of Policy PMD6 of Thurrock Core Strategy. Substantial weight was given to the harmful aspect of the development. It was also considered that the extension would add to the amount of built development in the Green Belt although it would not contribute to urban sprawl. The change to Green Belt's openness, in relative terms, would be very modest and it would found to be unobjectionable.

4.7.3 The Inspector also considered that the extension would have an unacceptable effect on the character and appearance of No 6 and the surrounding area, due to its poor roof design, which is amplified by the application site's prominent location upon Woolings Row and Baker Street. The Inspector concluded that the development would be contrary to Policies PMD2 and CSTP22 of the Thurrock Core Strategy and section 12 (Achieving well-designed places) of the Framework because the

development would not be of a high quality of design and would not make a positive contribution to the area's character.

4.7.4 Accordingly the appeal was dismissed

4.7.5 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	10	1	2	1	1	7		30
No Allowed	0	1	0	4	0	3	1	0	1	1	2		13
% Allowed	0%	25%	0%	57.14%	0%	30%	100%	0%	100%	100%	28.57%		43.33%

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: **Mark Bowen**
Interim 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