

21 April 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 Real		

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:** 21/01557/HHA

Location: Falconhurst, Second Avenue, Stanford Le Hope

Proposal: Boundary wall alterations

- 3.2 **Application No: 20/01662/OUT**
Location: Greenwise Nurseries, Vange Park Road, Vange
Proposal: Outline planning application for demolition of the existing structures and the construction of up to 60 houses (18 to be custom-build and 21 to be affordable homes). To include determination of the matter of access (matters relating to appearance, landscaping, layout and scale reserved)
- 3.3 **Application No: 21/00453/FUL**
Location: South Ockendon Hall And Land Adjacent North Road, Hall Lane, South Ockendon
Proposal: Construction of new farm vehicular access and associated farm track from North Road
- 3.4 **Application No: 21/01719/HHA**
Location: Tyndall Cottages, 33 Christchurch Road, Tilbury
Proposal: Demolition of existing conservatory and side porch for new single storey side extension.
- 3.5 **Application No: 21/00646/FUL**
Location: 14 Diana Close, Chafford Hundred, Grays
Proposal: Change of use of amenity land to residential and the re-siting of the boundary wall.
- 3.6 **Application No: 21/01886/HHA**
Location: 13 Arisdale Avenue, South Ockendon
Proposal: Demolition of existing garage and erection of two storey side extension and single front extension.

3.7 Application No: 21/01979/HHA

Location: 249 Princess Margaret Road, East Tilbury, Tilbury

Proposal: Demolition of the existing single storey side extension and conservatory and erection of single storey side/rear extension, erection of a new brick wall with access gates to the front boundary, and erection of new outbuilding to the rear garden.

3.8 Application No: 21/02082/HHA

Location: 38 Triumph Close, Chafford Hundred, Grays

Proposal: Two storey rear extension

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01496/HHA

Location: Land at 2 Northlands Close, Stanford-le-Hope SS17 8DL

Proposal: Single storey side extension with hipped roof and 1 rooflight. Adjustments to flank window at first floor level.

Appeal Decision: Appeal Allowed

4.1.1 The Inspector considered that the main issues were the effect on the character and appearance of the host building and its surroundings.

4.1.2 The Inspector assessed the character of the area and identified that the buildings generally follow a building line that is established by the front elevations of the dwellings of Branksome Avenue. However, the Inspector found that the existing visual interruptions along the continuous frontage create interest in the streetscene, impart a human scheme, punctuate the streetscene and add to a sense of place. In this context it was found that the extension would mark the junction with Northlands Close and beneficial to the townscape.

4.1.3 The Inspector recognised that the roof design would differ from the main dwelling and that this would cause the extension to be noticed but, as the

materials would match the dwelling and harmonise with the surroundings, the extension would not be jarring or visually inappropriate. For these reasons and as the proposal would be useful to the occupiers and as the site is in a sustainable location, the proposal was found to be acceptable.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/00011/FUL

Location: The Spinney, Kirkham Shaw, Horndon on The Hill
SS17 8QE

Proposal: Demolition of existing dwelling and erection of new one
and a half storey dwelling

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector considered that the main issues were whether the development would be inappropriate in the Green Belt, the effect on the openness of the Green Belt and whether any harm is outweighed by other considerations that represent very special circumstances.

4.2.2 It was found that the chalet bungalow would be materially larger than the bungalow and would not therefore accord with the exceptions set out in the NPPF and Policy PMD6. Therefore, the development was found to be inappropriate development in the Green Belt. In reaching this conclusion, the Inspector found that an existing planning permission for extensions to the dwelling did not affect the assessment of whether the proposal would be materially larger than the existing bungalow.

4.2.3 It was concluded that the effect of the development on openness in comparison to the existing situation would be negligible and would be a neutral effect of the development.

4.2.4 The size and scale of the development for which planning permission exists was noted but it was considered that there was a low likelihood of that alternative permission being implemented and then followed with an application for a replacement dwelling. That permission did not therefore weigh heavily in favour of this proposal. The climate change benefits arising from the proposal were given very little weight and the acceptable design of the dwelling was given moderate weight. These factors were not found to represent the very special circumstances necessary to justify inappropriate development.

4.2.5 The harm arising as a result of the proposal representing inappropriate development in the Green Belt was not found to be clearly outweighed by other considerations and was, therefore, reason for the appeal to be dismissed.

4.2.6 The full appeal decision can be found online.

4.3 Application No: 21/01620/HHA

Location: 6 Whitmore Avenue, Stifford Clays, Grays RM16 2JA

Proposal: Single storey rear extension

Appeal Decision: Appeal Allowed

4.3.1 The Inspector considered that the main issue was the effect on the character and appearance of the property and the local area.

4.3.2 The conservatory style extension has been proposed to the rear of an existing single storey side extension and the Inspector note that extensive views of the extension would be possible from the public realm, with the roof being visible above the boundary wall. It was found that, although of different design, having the same roof pitch was sufficient for the extension to appear congruent with the existing roof and not have an awkward or disjointed relationship with the existing house. The roof materials and design would also ensure that the extension would be subservient to the existing dwelling in accordance with the Residential Extensions and Alterations Supplementary Planning Document 2017.

4.3.3 Therefore, the proposal was found to be of high quality design and in accordance with Core Strategy Policies PMD2 and CSTP22 and the applicable elements of the NPPF.

4.3.4 The full appeal decision can be found online.

4.4 Application No: 21/01241/HHA

Location: 84 Bradleigh Avenue, Grays RM17 5RJ

Proposal: Two storey side extension and part single storey, part two storey rear extension with Juliette balcony.

Appeal Decision: Appeal Allowed

- 4.4.1 The Inspector considered that the main issue was the effect on the character and appearance of the property and the surrounding area.
- 4.4.2 The Inspector noted that the semi-detached pair that included the host property had already been extended at one side and was, therefore, unbalanced. Although a significant sideways extension, the set back of the proposed extension from the front elevation and the hipped roof design was sufficient for the extension to be considered to have a congruent appearance and be subservient to the host dwelling whilst also rebalancing the pair of dwellings.
- 4.4.3 It was found that several properties within the surrounding area had been extended in a variety of manners and that where they features some of the same features as the proposed extension, they successfully extend the dwelling without detracting from the spaciousness that is a feature of the streetscene.
- 4.4.4 The Inspector noted that the site is a generous corner plot, that the design made no allowance for the corner plot location and that extensive views of the extension would be possible from the street. However, it was also found that the space to the side of the dwelling and the lack of built form was a weakness of the streetscene and, therefore, extending the dwelling improved the character and appearance of the area.
- 4.4.5 For these reasons, the Inspector concluded that the proposal would be acceptable in terms of its effect on the character and appearance of the property and bring about a slight enhancement to the local area. The proposal was therefore considered to accord with Core Strategy Policies PMD 2 and CSTP22 and the Residential Extensions and Alterations Supplementary Planning Document 2017.
- 4.4.6 The full appeal decision can be found online.

4.5 Application No: 21/01482/HHA

Location: 29 Orsett Heath Crescent, Chadwell St Mary RM16 4UZ

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

Appeal Decision: Appeal Dismissed

- 4.5.1 The Inspector considered that the main issue was the effect on the character and appearance of the property and the surrounding area.
- 4.5.2 The background to the application that was the subject of this appeal is that a development was granted a Certificate of Lawfulness and found to be permitted development but then not undertaken in accordance with the approved plans. The development that was undertaken required planning permission as it did not accord with the limitations and conditions of the applicable permitted development rights. The application was then refused due to the proposal including materials that did not match the host dwelling and design features that were not considered to be sympathetic to the existing building.
- 4.5.3 The Inspector agreed with the Council that expansive gable ends that had been formed were very prominent in the area and resulted in the roof extension appearing disproportionate and obtrusive which dominated the dwelling and caused it to have an unbalanced appearance. In the context of the local area the was considered incongruous in appearance. The use of materials that did not reflect the properties of the surrounding area also caused the extension to appear overly prominent, discordant and dominating. This accentuates the harm caused in other respects.
- 4.5.4 The existence of permitted development rights was noted but it was found that the elements of the development that varied from what might have been permitted development were crucial and meant that the extension was unacceptable.
- 4.5.5 The Inspector agreed with the Council that some elements of the development are acceptable but overall concluded that, for these reasons set out above, the development is unacceptable and the proposal was considered to be contrary to Core Strategy Policies PMD2 and CSTP22 and the NPPF.
- 4.5.6 The full appeal decision can be found online.

4.6 Application No: 21/00777//HHA
Location: 4 Crescent Avenue, Grays RM17 6AZ
Proposal: Demolish existing garage, part single part two storey rear extension and two storey side extension
Appeal Decision: Appeal Allowed

- 4.6.1 The Inspector considered that the main issue was the effect on the character and appearance of the existing dwelling, the semi-detached pair and the street scene.
- 4.6.2 The Inspector found that, whilst being narrower than the dormer features of the existing dwelling and the neighbouring property, the proposed front dormer would be of sufficiently similar design. It was also found that the width of the dormer relative to the remainder of the side extension ensured that it would have a proportionate and recessive appearance whilst also being in-keeping with the existing house and the attached neighbouring dwelling.
- 4.6.3 The other extensions at the side and rear were also found to be congruent, proportionate and subservient to the host dwelling, showing suitable regard for the roof forms of the existing dwelling. It was noted that the extension would be significant and would not be symmetrical with an extension at the neighbouring property, but would go some way towards rebalancing the appearance of the semi-detached pair and suitably reflected their original design.
- 4.6.4 The effect on the character and appearance of the streetscene was therefore found to be acceptable and the proposal was considered to accord with Core Strategy Policies PMD2 and CSTP22, the Residential Extensions and Alterations Supplementary Planning Document 2017 and the NPPF.
- 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	10	1	2	1	1	7	6	36
No Allowed	0	1	0	4	0	3	1	0	1	1	2	4	17
% Allowed	0%	25%	0%	57.14%	0%	30%	100%	0%	100%	100%	28.57%	66.67%	47.22%

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