

18 August 2022		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Louise Reid, Strategic Lead for 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: 21/01310/FUL

Location: The Coach House, 7 The Green, Orsett, Grays, Essex, RM16 3EX

Proposal: Conversion and extension of existing garage to an annex to the main house allowing for step free and

wheelchair access with two bedrooms and two bathrooms while the neighbours garage access remains unchanged.

3.2 Enforcement No: 20/00015/BUNUSE

Location: 37 Sanderling Close, East Tilbury RM18 8FF

Proposal: Refused planning application 19/01642/FUL Change of use from landscape setting to residential curtilage and erection of 1.8m high fence [Retrospective]

3.3 Application No: 22/00217/HHA

Location: 96 Hamble Lane, South Ockendon, Essex, RM15 5HP

Proposal: Single storey side extension.

3.4 Application No: 21/02157/FUL

Location: 149 Mollands Lane, South Ockendon, RM15 6DL

Proposal: Single storey rear extension and new dwelling to the North of 149 Mollands Lane

3.5 Application No: 21/01756/FUL

Location: 39 Grays End Close

Proposal: Construction of a new dwelling

3.6 Application No: 21/01984/FUL

Location: 18 Feryby Road, Chadwell St Mary, Grays, Essex, RM16 4SS

Proposal: Erection of 1 x 3 storey 2 bedroom dwelling within the land to the north of no. 18 Feryby Road including removal of detached garage, associated boundary treatment, landscaping, cycle store and formation of new vehicle crossover to the rear of the site

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/00453/FUL

Location: South Ockendon Hall Fram, North Road, South Ockendon, Essex, RM15 6SJ

Proposal: Construction of new farm vehicular access and associated farm track from North Road

Appeal Decision: Appeal Dismissed

4.2 The main issues were the effect of the proposed development on trees and biodiversity, the effect of the proposed development on highway safety and whether the proposal would preserve the setting of Gatehouse and Moat of South Ockendon Old Hall and Moat Bridge and Gatehouse at South Ockendon Old Hall (Grade II Listed).

4.3 The Inspector found that the appellant has failed to demonstrate that the proposal would not have a net adverse impact on trees or biodiversity, because the appellant had failed to submit the appropriate reports to evidence and justify the likely impact.

4.4 The Inspector found that the access would be safe, and its use would not harm the free flow of traffic or highway capacity. In addition, there would be clear benefits from providing the proposed access.

4.5 The Inspector found that the proposal would not harmfully alter the historic approach to the listed buildings, as the proposed track would provide an alternative route rather than extinguish the existing long-standing approach from the village. The track would also be a low-lying feature that could be softened by landscaping. Overall, the proposal would preserve the general rural character of the setting of the listed buildings and how they are experienced.

4.6 In conclusion, the Inspector found that the proposed development would not harm highway safety or heritage, but it would result in significant tree, hedge and habitat loss without adequate analysis and justification. The proposal therefore conflicted with the development plan taken as a whole and that there were no other considerations which outweighed this finding.

4.7 The full appeal decision can be found online.

4.8 Application No: 21/01611/FUL

Location: 50 Giffordside, Chadwell St Mary RM16 4JA

Proposal: Demolition of existing side extension: single storey extension to existing property and erection of end of terrace part two storey and part single storey dwelling with off street parking and rear amenity space

Appeal Decision: Appeal Dismissed

- 4.9 The main issue was the effect of the development proposed on the character and appearance of the area.
- 4.10 The appeal site comprises a two storey end terraced dwelling with a large flat roofed garage which is wider at the front than the rear due to the tapered side wall. A public footpath adjoins the western site boundary and links Giffordside and Linford Road. The latter is elevated relative to the appeal site and allows views towards the rear of the property. In common with other dwellings on this road, the appeal property is set back with a driveway to the front and a private garden to the rear.
- 4.11 The Inspector found that the proposed dwelling would be built up to the side boundary with the public footpath, which would result in an irregular footprint, featuring a dog leg to the flank wall, with the front elevation of the dwelling being noticeably wider than the rear. Whilst this would maximise the width of the plot, it would result in a contrived and awkward arrangement that would be at odds with the simple rectangular form and architectural rhythm of buildings on Giffordside. Although the proposal would be built on the footprint of the existing garage which has an irregular footprint, the existing structure is less prominent in the street scene due to its modest height.
- 4.12 The Inspector found that the proposal would be highly prominent from the adjacent public footpath and would also be clearly visible from Linford Road to the rear. From these vantage points the form of the proposed dwelling would result in an incongruous addition that would fail to reflect the pattern of development on this road and be harmful to the established street scene.
- 4.13 The Inspector concluded that the proposed development would offer potential benefits in terms of providing a new dwelling in an accessible location. In addition, the scheme would also have economic benefits through employment opportunities created during the construction phase of the development and spending in the local area by occupants. The single storey rear extension would provide enlarged accommodation for the occupiers of No 50. However, the Inspector found that the weight attributable to these matters is limited given the modest scale of the development proposed and would be outweighed by the harm which would

be caused by the appearance of the proposed development and it's adverse effect on the character of the area.

4.14. The full appeal decision can be found online

4.15 Due to a technical issue, summaries on the appeal decisions will be provided to the Planning Committee on 22 September 2022

5.0 APPEAL PERFORMANCE:

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR	
Total No of Appeals	7	3		2									12
No Allowed	4	1		0									5
% Allowed	57.14%	33.33%											42%

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 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 Inequalities, Sustainability, Crime and Disorder, and Impact on Looked After Children.

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