

9 February 2023		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Jonathan Keen, Interim Strategic Lead Development Services		
Accountable Assistant Director: Leigh Nicholson, Assistant Director Planning, Transportation and Public Protection.		
Accountable Director: Mark Bradbury, Interim Director for Place		

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:** 21/01761/FUL

Location: Supply 2 Location Ltd, Southend Road, Corringham, Stanford Le Hope, SS17 9EY

Proposal: Retention of marquee for temporary period of 2 years for storage in association with host business.

3.2 Application No: 22/01004/FUL

Location: 9 Ludlow Place, Grays, Essex, RM17 5AS

Proposal: Erection of a single storey one bedroomed dwelling in the land adjacent to no. 9 Ludlow Place, including vehicle access.

3.3 Application No: 22/00939/PNTC

Location: Land West Of Bus Shelter, Stifford Road, South Ockendon, Essex

Proposal: Proposed 5G telecoms installation: H3G street pole and additional equipment cabinets.

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 21/01469/CV

Location: Riverview, Kirkham Shaw, Horndon On The Hill, Stanford Le Hope, SS17 8QE

Proposal: Application for the variation of condition no.10 (Permitted Development Rights) of planning permission ref. 93/00697/FUL (One for one dwelling and detached garage)

Appeal Decision: Appeal allowed

4.1.1 The Inspector considered the key issue of the appeal to be if the removal of condition 10 (Permitted Development Rights) of planning permission ref. 93/00697/FUL was reasonable and necessary.

4.1.2 The application site is located within land designated as Green Belt, permitted development is not restricted in the Green Belt as it is for some designated areas as such the Inspector considered that there is no overarching justification for retaining the condition.

4.1.3 The application site is a large plot and is well separated from neighbouring houses, it was commented that there are no site-specific reasons to prevent permitted development rights from being exercised. It was concluded that condition 10 is not reasonable or necessary and should be removed and the appeal was allowed.

4.1.4 The full appeal decision can be found online.

4.2 Application No: 21/02029/HHA

Location: 13 Cherry Tree Drive, South Ockendon, Essex, RM15 6TP

Proposal: Retrospective single storey outbuilding ancillary to the main house

Appeal Decision: Appeal allowed

4.2.1 The Inspector considered the main issue of the appeal to be inappropriate development within the Green Belt; and the effect on the character and appearance of the area.

4.2.2 With regards to the first issue the Inspector considered that the outbuilding does not amount to a disproportionate addition to the original building, and it was not inappropriate development within the Green Belt. It was concluded that the building is not harmful to openness or to any of the purposes of the Green Belt.

4.2.3 With regards to the outbuildings impact upon the character of the area, the Inspector drew attention to the shed and outbuildings found within the locality, whilst it was noted that the footprint of the appeal building is greater than those nearby, the effect on the wider area was considered insignificant due to its fairly discrete position and limited height. No objection was raised to the total area of the curtilage covered by buildings within the site. It was concluded that the form and scale of the outbuilding is appropriate to the original dwelling and the surrounding development pattern, no harm was identified to the character and appearance of the area. The appeal was allowed.

4.2.4 The full appeal decision can be found online.

4.3 Application No: 21/01418/FUL

Location: 31 Elmway, Stifford Clays, Grays, Essex, RM16 2HS

Proposal: Erection of 1 three bedroom dwelling including associated refuse and cycle store

Appeal Decision: Appeal dismissed

4.3.1 The Inspector considered the key issues of the appeal to be the character and appearance of the surrounding area; pedestrian and vehicular safety; and the integrity of the Thames Estuary and Marshes Special Protection Area (SPA).

4.3.2 With regards to the first consideration the Inspector drew attention to the fact that the proposal would create a short terrace, it was considered the creation of a terrace is not inherently incongruous in a residential area.

Although the properties in the immediate vicinity are generally semis, many of them are closely spaced and terraces are prevalent within the wider estate. As the new dwelling would perpetuate the form and design of the attached dwelling with a full hipped roof, it would fit comfortably into the locality and respect its context. The Inspector considered that the dwelling would integrate satisfactorily with the general pattern of development and so make a positive contribution.

4.3.4 With regard to pedestrian and vehicular safety, the proposal would result on the future occupiers relying upon on street parking on the footway. The Inspector drew attention to the fact that cars are already parked in this way in the area. The footway is wide so that pedestrians would not necessarily be obstructed. The Inspector commented that whilst parking could occur at the junction this it would not precluded at present, there is no evidence presented that show that the nearby junction is particularly busy or awkward. It was concluded that the proposal would not result in an unacceptable impact on pedestrian and vehicular safety.

4.3.5 The site is located within the Zone of Influence of the Thames Estuary and Marshes SPA. Because of this, and in combination with other development in Thurrock, an extra dwelling would have a likely significant effect on the SPA. To address the effects of recreational disturbance a mitigation strategy has been developed which requires a financial contribution based on a tariff payment for each new residential unit created, regardless of size. No contribution had been received and no mechanism to secure one. Therefore, without the certainty that the requisite funding for the mitigation measures will be forthcoming, planning permission cannot be granted as such the appeal was dismissed.

4.3.6 The full appeal decision can be found online.

4.4 Application No: 21/01557/HHA

Location: Falconhurst, Second Avenue, Stanford Le Hope, SS17 8DP

Proposal: Boundary walls alterations

Appeal Decision: Appeal dismissed

4.4.1 The Inspector considered the main issues in this appeal to be the effect of the development on the character and appearance of the street scene and local area.

4.4.2 The Inspector concluded that as a result of its siting, appearance, scale and design, the proposed wall and railings forward of the dwelling fronting Second Avenue and part of Southend Road would detract from the

character and appearance of the street scene and local area contrary to policies CSTP22 and PMD2.

4.4.3 The appeal was dismissed.

4.4.4 The full appeal decision can be found online.

4.5 Application No: 21/01356/HHA

Location: 46 Calshot Avenue, Chafford Hundred, Grays, RM16 6NS

Proposal: Front Porch

Appeal Decision: Appeal allowed

4.5.1 The Inspector found the main consideration to be the impact of the development on the character and appearance of the area.

4.5.2 The Inspector considered the proposed development would not harmfully detract from the character and appearance of the area and allowed the appeal.

4.5.3 The full appeal decision can be found online.

4.6 Application No: 22/00080/FUL

Location: 50 Valmar Avenue, Stanford Le Hope, Essex, SS17 0NF

Proposal: (Retrospective) Erection of structure to front of shop to provide covered shopping area

Appeal Decision: Appeal dismissed

4.6.1 The Inspector considered the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

4.6.2 The Inspector considered the use of a rudimentary timber frame and plastic sheeting would not match any of the features of the existing property and would have a significantly detrimental effect on the character and appearance of the area, contrary to Policies CSPT22 and PMD2.

4.6.3 The appeal was dismissed.

4.6.4 The full appeal decision can be found online.

4.7 Application No: 22/00375/FUL

Location: 43 Purfleet Road, Aveley, South Ockendon, RM15 4DR

Proposal: Proposed redevelopment to provide 6 semi-detached houses (2 no. 3x bedroom and 4 no. 4 bedroom) and new vehicle access and pedestrian access to Purfleet Road.

Appeal Decision: Appeal allowed

- 4.7.1 The Inspector considered that there were two main issues: the effect of the proposal on the living conditions of occupiers of the neighbouring property to the south, with particular regard to privacy; and, its effect on the character and appearance of the area.
- 4.7.2 The Inspector agreed that dwellings on plots 1 and 2 would overlook the rear garden of no. 14. The Inspector commented that this area is more private, but it is already overlooked by other first floor windows, from no. 45 Purfleet Road. The proposed first floor windows would be on a similar alignment to the existing first floor windows of no. 45, with only the ground floor windows being located closer to the boundary. With respect to neighbour amenity impact, the Inspector concluded that the relationship between first floor windows and rear gardens would be similar to the existing situation and the proposed development would not materially undermine existing standards of privacy, either in the rear garden of no. 14 or any other adjoining properties.
- 4.7.3 With respect to impact upon the character of the area, the Inspector commented that the street scene is relatively built up, with some soft landscaping within front gardens but alongside extensive areas of hardstanding. The Inspector considered the proposed dwellings would be of a similar design to the established semi-detached dwellings, and set back a similar distance. The Inspector considered they would be evenly spaced and while acknowledging the spacing would be narrower than some, the street scene does not have a spacious character and did not consider the proposal would appear cramped or out of place. Overall, the Inspector considered the layout would provide sufficient space to maintain the character of the wider street scene.
- 4.7.4 The Inspector noted that the proposed frontage would have a single expanse of hardsurfacing which would differ from the established pattern of development, however, they considered the street scene does not have a particularly verdant character. The Inspector acknowledged that the appearance of the site has significantly changed following the removal of the vegetation, they had regard to the balance between hard and soft

landscaping in the wider area. Given this wider context, the Inspector considered the proposed layout would not result in an excessive nor incongruous area of hardstanding, nor materially increase the extent to which the streetscape would be dominated by parked cars. The Inspector considered the proposal would therefore not be harmful to the character and appearance of the area.

4.7.5 The Inspector concluded that, subject to conditions including the agreement of site levels, the submission of a Construction Management Plan and Waste Management Plan, hours of construction, access details, and hard and soft landscaping details, the development would not conflict with policies PMD1, PMD2 or CSTP22.

4.7.6 The full appeal decision can be found online.

4.8 Application No: 21/02157/FUL

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

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

Appeal Decision: Appeal dismissed

4.8.1 The Inspector considered that the key issue of the appeal to be the impact of the development upon the character of the area. The application site is one of several semi-detached dwellings around a circular green, the original dwellings are all of matching design and proportions. They are laid out on regular plots with long gardens and parking areas to the front, whilst several have been extended, there is no clear evidence that any of the plots have been subdivided. The Inspector commented that whilst two storey side additions are not uncommon, none are of the same design and appear less bulky to what was proposed.

4.8.2 The subdivision of the site to create two separate dwellings would result in two much narrower plots, the Inspector considered that this would be a departure from the well-established rhythm of the street scene. The plots would be narrow and relatively cramped, appearing incongruous within the otherwise spacious street scene. Subdivision into two dwellings would also lead to more intensive use of the land, such as increased demand for parking, bin storage and similar uses, which are likely to dominate the site frontage, drawing further attention to its subdivision. It was concluded that the proposed development would be harmful to the character and appearance of the area.

4.8.3 The appeal was dismissed.

4.8.4 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	2	0	1	6	1	14	3	5	2			35
No Allowed	1	1	0	0	2	0	4	2	3	1			14
% Allowed	100%	50%	0%	50%	40%	0%	28.6%	66.7%	39.4%	50%			40%

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 Project Lead - Legal

The Appeals lodged will either have to be dealt with by written representation procedure or (an informal) hearing or a local inquiry. During planning appeals the parties will usually meet their own expenses and the successful party does not have an automatic right to recover their costs from the other side. To be successful a claim for costs must demonstrate that the other party had behaved unreasonably.

Where a costs award is granted, then if the amount isn't agreed by the parties it can be referred to a Costs Officer in the High Court for a detailed assessment of the amount due

8.3 Diversity and Equality

Implications verified by: **Becky Lee**
**Team Manager - Community Development
and Equalities Adults, Housing and Health
Directorate**

There are no direct diversity implications arising from this report.

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

Report Author:

Jonathan Keen

Interim Strategic Lead Development Services