

<b>21 September 2023</b>		<b>ITEM: 6</b>
<b>Planning Committee</b>		
<b>Planning Appeals</b>		
<b>Wards and communities affected:</b> All	<b>Key Decision:</b> Not Applicable	
<b>Report of:</b> Louise Reid, Head of Service for Development Services		
<b>Accountable Assistant Director:</b> Tracey Coleman, Chief Planning Officer		
<b>Accountable Director:</b> Mark Bradbury, Interim Director, 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: **22/01431/HHA**

Location: 36 Sabina Road, Chadwell St Mary, Essex, RM16 4PJ.

Proposal: New wall (retrospective) to enlarge enclosed area of rear garden and replacement of garage to outbuilding (retrospective) erection of front porch (retrospective) and proposed change of materials to rendered finish.

**3.2 Application No: 23/00451/HHA**

Location: 86 Southend Road, Grays, Essex, RM17 5NW

Proposal: Demolition of existing shed and construction of two storey side extension and part first floor rear extension.

**4.0 Appeals Decisions:**

The following appeal decisions have been received:

**4.1 Application No: 22/01497/HHA**

Location: 15 Norfolk Place, Chafford Hundred, Grays, Essex, RM16 6DE

Proposal: Replacement of two existing dormers for a rear dormer loft conversion.

Appeal Decision: Appeal Dismissed

4.1.1 The main issue was the effect of the proposal on the character and appearance of the host property and the surrounding area.

4.1.2 The Inspector commented that the proposed dormer would, due to its elevated and exposed position, be a wholly alien and incongruous element in the street scene and would be out of character with prevailing roof forms in the area and the appearance of the appeal property.

4.1.3 Due to its siting, size and design he considered the proposal would have an unacceptable impact on the host property and wider area contrary to Policies PMD2, CSTP22 of the Core Strategy 2015 and also conflicting with the Thurrock Design Guide: Residential Alterations and Extensions (SPD) 2017.

4.1.4 The appeal was therefore dismissed; the full appeal decision can be found online.

**4.2 Application No: 22/00683/HHA**

Location: Fouracres, Brentwood Road, Bulphan, Upminster, Essex

Proposal: Part single storey side extension and construction of swimming pool.

Appeal Decision: Appeal Dismissed

4.2.1 The main issues were:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
- The effect of the proposal on the openness of the Green Belt; and
- Whether any harm by reasons of inappropriateness, and any other harm, would be clearly outweighed by other considerations, so as to amount to the very special circumstances required to justify the proposal.

#### Inappropriate Development?

- 4.2.2 The Inspector agreed that the Council's "2 Reasonable Sized Room" criteria, outlined in Policy PMD6 was in accordance with paragraph 149(c) of the NPPF in terms of calculating a proportionate addition. The two reasonable sized room figure for the dwelling was 52.6m<sup>2</sup> and the proposed extension amounted to 76m<sup>2</sup>. The Inspector therefore found the proposal to be inappropriate development, contrary to the Core Strategy and the NPPF.

#### Openness

- 4.2.3 The Inspector considered that *"the proposed extension would appear as a substantial addition to the existing dwelling. Its orientation would result in a considerable increase in the width of the dwelling, and its siting would close the gap to the adjacent outbuildings. This would inevitably erode the openness of the appeal site and the wider Green Belt."* (para 12) thereby harming openness and being contrary to the Core Strategy and NPPF.

#### Other considerations

- 4.2.4 The appellant brought the Inspector's attention to other sites which he considered to be similar, but the Inspector found the sites to be materially different and that the Council was consistent in making decisions in this area, so his findings on visual impact on visual and spatial terms were not changed.
- 4.2.5 The appeal was therefore dismissed; the full appeal decision can be found online.

### **4.3 Application No: 22/01462/FUL**

Location: 58 Brentwood Road, Chadwell St Mary, Essex, RM16 4JP

Proposal: Detached garage to be used in association with the C3(b) Dwellinghouse where care is provided.

Appeal Decision: Appeal Dismissed

#### 4.3.1 The main issues were:

- The effect of the proposed development on the character and appearance of the existing building and surrounding area.

- The effect of the proposed access arrangement on highway safety.

Character and Appearance

4.3.2 The Inspector found that *“the proposed siting of the garage behind an external parking space means it would be much closer to the host dwelling than the outbuildings associated with the other three houses in the group ...a substantial proportion of the garden would be lost. This would give the appearance of much greater depth to the proposal, particularly given its high visibility from the nearby footpath and public realm. Consequently, the development would appear to dominate the existing house, which would detract from its character and that of the surrounding area”* (para 4) and accordingly he found the proposal would have a harmful impact on the existing building and surrounding area, contrary to Policies PMD2 and CSTP22 of the Core Strategy 2015, the RAE 2017 and the NPPF.

Highway Safety

- 4.3.3 The Inspector found that the garage would be distant from the house and the access to it was along a badly overgrown access road which would be likely to discourage use. He also noted that pedestrian access to the garage would be unlit which would also discourage use. Accordingly, he found the proposal would not be acceptable and would be contrary to Policy PMD8 of the Core Strategy 2015.
- 4.3.4 The appeal was therefore dismissed; 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							
No Allowed	1	1	0	0	2							
% Allowed	100%	50%	0%	0%	33.3%							

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**

#### **Government Intervention & Section 114**

In July 2022, the Council was made aware of concerns around the valuation of specific investments. A review process commenced, and the initial findings highlighted significant concern with three investments and the position was shared informally with the Department of Levelling Up, Housing and Communities (DLUHC).

On the 2 September 2022 DLUHC announced directions to implement an intervention package at the Council.

The Secretary of State exercised his powers under section 15(11) of the Local Government Act 1999 to give a Direction without complying with the requirement at section 15(9) to give Thurrock an opportunity to make representations about the Directions, as he considered the failures of the Council's compliance with its Best Value duty in respect of the functions specified in the Directions sufficiently urgent. This was because of the following:

- the scale of the financial and commercial risks potentially facing the Authority, which were compounded by the Authority's approach to financial management and the seriousness of the allegations that were made by third parties about the processes applied to the operation of the Authority's commercial strategy, and;
- the failure of the Authority to provide assurance to Ministers and the Department on the adequacy of the actions that they were taking to address the issues, taking account of the scale and pace of the response required.

The Secretary of State nominated Essex County Council to the role of Commissioner

On 19 December 2022, the Council's Acting Director of Finance & Section 151 Officer issued a report under Section 114 of the Local Government Finance Act 1988. This advises Councillors that the Council faces 'a financial situation of an extremely serious nature'.

#### **Implications relating to this specific report**

This report is an update report and as such there are no specific financial implications.

## 8.2 Legal

Implications verified by: **Mark Bowen**  
**Interim Project Lead**

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 or equality 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](http://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