

30th November 2023		ITEM: 6
Planning Committee		
Planning Appeals		
Wards and communities affected: All	Key Decision: Not Applicable	
Report of: Tracey Coleman – Chief Planning Officer		
Accountable Chief Officer: Tracey Coleman – Chief Planning Officer		
Accountable Director: 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: 22/01312/TPO

Location: 1A Sycamore Close, Tilbury, Essex, RM18 7TB

Proposal: T1 Sycamore fell to ground. The sycamore tree is situated on the other side of the fence. The tree has two stumps (Y shaped), one that grows into my garden and the other that grows into the road. The roots of this tree has affected the landscape and made the garden and the footpath unlevelled.

3.2 Application No: 23/00899/HHA

Location: 440 London Road, West Thurrock, Essex, RM20 4AR

Proposal: Formation of new vehicular crossover to access the highway

4.0 Appeals Decisions:

The following appeal decisions have been received:

4.1 Application No: 22/01689/FUL

Location: 11 Scott Road, Chadwell St Mary, Thurrock, RM16 4ED

Proposal: Single storey rear of garden one bedroom annexe

Appeal Decision: Appeal Dismissed

4.1.1 The Inspector considered that the main issue in the consideration of the appeal was the effect of the proposal on the character and appearance of the surrounding area.

4.1.2 The Inspector noted that the rear garden, due to the relatively open boundary treatment meant that the proposal would be prominent from the public domain. Although, the proposal would be single storey it would be significantly greater than the existing dwelling in terms of footprint and as such it would appear as an incongruously large addition in the streetscene.

4.1.3 The Inspector also found the layout meant that the building could be accessed separately from the main dwelling, which would give it the appearance of an independent dwelling.

4.1.4 Accordingly, the Inspector found the development would be contrary to Policies PMD2 and CSTP22 of the Core Strategy 2015, criteria in the Thurrock Design Guide: Residential Alterations & Extensions SPD 2017 which seeks annexes to be modest in scale and the NPPF 2023.

4.1.5 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.2 Application No: 21/02172/FUL

Location: Land Part Of, 261 Rectory Road, Grays, Essex

Proposal: Demolition of existing garage, sub-division of plot and erection of new detached two-bedroom dwelling with associated landscaping and parking.

Appeal Decision: Appeal Dismissed

4.2.1 The Inspector found the main issues were: the effect of the proposed development on the character and appearance of the area, and the effect on living conditions for occupiers of the host dwelling at 261 Rectory Road.

Character and Appearance

4.2.2 The Inspector noted that the proposal would be “orientated with a narrow frontage to the street, deep plan form and main roof ridge running back into the site. These features would contrast with the typical layout and proportions of the surrounding housing.” (para 6) and it would be prominently sited in a conspicuous position on the street corner and it would be incongruous in the street scene, departing from the generally consistent layout and scale of surrounding houses. The Inspector therefore found the proposal would be contrary to Policies PMD2, CSTP22 and CSTP23 in the above regards.

Living Conditions

4.2.3 The Inspector noted that the garden area remaining for No 261, would be small and would be fragmented, due to the layout of the proposed dwelling making the retained garden an irregular shape. It was also considered that the garden area would be impacted upon by the presence of the new dwelling and the location of the proposed parking area close the boundary of the garden. Accordingly, the proposal was also considered to be contrary to Policy PMD1 in this regard. The proposal was also considered to “conflict with relevant paragraphs in the Framework, notably paragraph 130 which says that developments should create places with a high standard of amenity for existing and future users and not undermine quality of life.” (para 20).

4.2.4 Accordingly the appeal was dismissed. The full appeal decision can be found online.

4.3 Application No: 21/02004/FUL

Location: Land Adjacent 13 To 29, Kipling Avenue, Tilbury, Essex

Proposal: Residential development of 8 no. 2-storey dwellings with private garden areas and shared parking areas.

Appeal Decision: Appeal Dismissed

4.3.1 The Inspector considered the main issues in this appeal were: Whether the proposal would accord with the development plan with reference to the loss of open space; and the effect of the proposal on the character and appearance of the area.

Open Space

4.3.2 The Inspector considered that the Land constituted Open Space as defined by the Core Strategy and NPPF. No assessment had been undertaken to show the space was surplus to requirements or that alternative provision would be made and it was, in the opinion of the Inspector obvious that the space was being used by local residents, and as such the proposal was found to be contrary to Policy PMD5 of the Core Strategy and paragraph 99 of the NPPF.

Character and Appearance

4.3.3 The Inspector found the overall design and appearance of the dwellings would be acceptable but found that the loss of open space would result in harm to the character and appearance of the area, contrary to Policies PMD2, PMD5 and CSTP22 of the Core Strategy.

4.3.4 Accordingly the appeal was dismissed. The full appeal decision can be found online.

5.0 APPEAL PERFORMANCE:

5.1 The following table shows appeal performance in relation to decisions on planning applications and enforcement appeals.

	APR	MAY	JUN	JUL	AUG	SEP	OCT	NOV	DEC	JAN	FEB	MAR
Total No of Appeals	1	2	0	1	6	6	3					
No Allowed	1	1	0	0	2	2	0					
% Allowed	100%	50%	0%	0%	33.3 %	33.3 %	0%					

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

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 - 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 or equality implications arising from 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.

10.0 Appendices to the report

- None