
Appeal Decision

Site visit made on 5 December 2016

by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 December 2016

Appeal Ref: APP/V1505/W/16/3157220

Land rear 14 Basildon Drive, Basildon, Essex

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr S Anderson against the decision of Basildon District Council.
 - The application Ref 16/00507/OUT, dated 7 April 2016, was refused by notice dated 13 June 2016.
 - The development proposed is erection of modest bungalow on land at rear 14 Basildon Drive, Basildon.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The application is in outline form with all matters reserved for future consideration. I will determine the appeal on this basis. A layout plan has been submitted which I will treat for indicative purposes only.

Main Issue

3. The main issues are firstly the effect of the proposal on the character and appearance of the area and secondly, the effect of the proposal on the living conditions of the occupiers of surrounding dwellings with particular regard to outlook, noise and disturbance.

Reasons

Character and appearance

4. Basildon Drive is characterised mainly by bungalows sited back from the road to allow a small garden area and/or parking space. The design of the bungalows is quite diverse and therefore there is a mixed character and appearance in this respect. However, there is regularity with respect to the siting of the bungalows to the front of lengthy linear plots leading to generous rear gardens. The consistent spacing of the dwellings allows glimpses to the space to the rear. Behind the appeal site is a 2/3 storey care home.
 5. The appeal site forms an undeveloped piece of land to the rear of 14 and 16 Basildon Drive accessed directly from the main road by a strip of land about 4 metres in width between Nos 16 and 18. As a result therefore it contributes to the open space between the bungalows and development to the rear and the open views between the dwellings.
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6. Guideline DC1 of the Basildon District Council Development Control Guidelines 1997 (the Guidelines) requires that new residential development should respect or enhance the existing character of the area in terms of layout. Guideline DC2 goes on to state that development of new buildings on the backland of existing buildings will not be allowed where it would be out of character with the surrounding area in terms of density.
7. The introduction of a plot to the rear of No 14 would significantly erode the openness of the gardens and the degree of separation between the bungalows and development to the rear. I have been given no figures regarding the density of the development so cannot be sure therefore that it would be out of character of the area however the size and shape of the plot would be at odds with the linear character of its neighbours. Furthermore, the proposed dwelling would be sited behind Nos 14 and 16 by a substantial distance and would have no frontage to Basildon Road which would not be characteristic of the dwellings in the locality. As a result therefore the layout of the development would not respect the existing character and the dwelling would form an incongruous feature in the area.
8. I saw on my site visit that although there were buildings within the rear gardens of other properties these were ancillary to the main use of the host dwelling. Furthermore they were considerably smaller than the appeal proposal. As a result they are significantly different to the independent operation of the large appeal proposal.
9. For the reasons above I consider the proposal would be harmful to the character and appearance of the area. It would therefore be contrary to saved Policy BAS BE12 (i) of the Basildon District Local Plan Saved Policies 2007, objective DC1 of the Guidelines and the National Planning Policy Framework (the Framework). These require that development does not harm the character or layout of the surrounding area and that development should reflect local distinctiveness.

Living conditions

10. The access to the new house would be taken between No 16 and 18. The Council raise concern only in relation to the living conditions of No 18 in relation to noise and disturbance. However, the side elevations of both No 16 and No 18 are close to the proposed access.
11. No 18 is a bungalow with a lean to canopy running along the side of the elevation facing the access. It also has a rear extension. No 16 is a modern bungalow with an elevation directly adjoining the access within which are three clear glazed windows. Both have enclosed private rear gardens which have an existing level of tranquillity.
12. Currently vehicle movements are restricted to the front of No 16. The siting of a house to the rear of No 16 would lead to the introduction of vehicle movements alongside Nos 16 and 18, to access both the proposed dwelling and proposed car parking spaces to the rear of No 16.
13. The width of the access together with its proximity to both properties would mean that cars would pass very close to the side elevations and private rear garden spaces of each dwelling. As a result there would be activity on the appeal site associated with the daily comings and goings to two dwellings

together with vehicle manoeuvring and parking in an area where there is currently none. Consequently, there would be an unacceptable increase in noise and disturbance arising from vehicle engines and associated noises, such as car doors closing experienced by the occupiers of neighbouring properties.

14. The proposed layout is indicative only but due to the size and location of the appeal site it is likely that the proposed dwelling would be sited directly to the rear of Nos 14 and 16. The proposal is for a bungalow and therefore it would be of a limited height. As a result a bungalow could be located within the site at a sufficient distance from Nos 14 and 16 to ensure that it would not be significantly overbearing or oppressive. Furthermore, views towards the proposed bungalow from the windows of Nos 12 and 18 would be at an oblique angle. This would ensure it would not be overly overbearing.
15. I acknowledge that no objections to the proposal have been received from local residents and indeed I have found the proposal to be acceptable in some respects. However, for the reasons above I conclude that it would be harmful to the living conditions of the occupiers of Nos 16 and 18 Basildon Drive with particular regard to noise and disturbance. It would therefore be contrary to saved Policy BAS BE12 (iii) and objective DC2 of the Guidelines. These require that development should not cause material harm in terms of noise and disturbance to the occupants of neighbouring dwellings and that a reasonable separation should be achieved from houses either side of the access road.

Other matters

16. There is no dispute between the parties that the site is within a residential area and that the appeal site could physically accommodate a new dwelling. However, this would be subject to compliance with the development plan as a whole and in this case I have found harm based on the Council's design reasons for refusal.
17. The appellant refers to a similar situation in the area where space was found for a bungalow. I have though been supplied with no further details so am unable to make a meaningful comparison. In any case I have considered the proposal based on its own merits.
18. The appellant also refers to the great need for bungalows. However I have been supplied with no evidence of such a need in the local area. I can therefore only give this issue limited weight.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Zoe Raygen

INSPECTOR