
Appeal Decision

Site visit made on 26 June 2017

by D J Board BSc (Hons) MA MRTPI

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

Decision date: 1 August 2017

Appeal Ref: APP/V1505/W/17/3171802

Hyde Chalet, Rear of the Hyde, Glebe Road, Ramsden Bellhouse, Billericay, Essex, CM11 1RL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mr & Mrs D Webb against the decision of Basildon District Council.
 - The application Ref 16/00984/FULL, dated 11 June 2016, was approved on 19 December 2016 and planning permission was granted subject to conditions.
 - The development permitted is described as extension to existing annexe, demolition of Lawful Development Certificate dwelling and erection of a replacement annexe, at the rear of site for family dependent use (amended Description).
 - The condition in dispute is No 4 which states that: *'The resultant annexe buildings hereby permitted shall only be occupied as accommodation ancillary to the main dwelling house The Hyde, Glebe Road, Ramsden Bellhouse and shall not be occupied as a separate units of residential accommodation sub-divided from the greater residential plot'*.
 - The reason given for the condition is: *'In the interests of visual and residential amenity and to prevent the sub-division of the plot which would be otherwise be out of character with the village settlement of detached dwellings on wide plots with a road frontage'*.
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Decision

1. The appeal is allowed and the planning permission Ref 16/00984/FUL for Extension to existing annexe, demolition of Lawful Development Certificate dwelling and erection of a replacement annexe, at the rear of site for family dependent use (amended Description) at Hyde Chalet, Rear of the Hyde, Glebe Road, Ramsden Bellhouse, Billericay, Essex, CM11 1RL granted on 19 December 2016 by Basildon District Council, is varied by deleting condition 4.

Procedural Matter

2. The description on the decision notice and appeal form differs from the initial application form. It is referred to as an 'amended description'. It reflects the development and therefore I have adopted it in my decision. I have been referred to the Basildon Borough Council Draft Local Plan. However, this has not been examined and found sound. Therefore it can only be afforded very limited weight. The appeal is considered on this basis.

Main Issue

3. The appeal site is located to the rear of The Hyde. It contains two buildings that are occupied by the appellants' family members. The appeal scheme has one building which would be extended and the other building would be a

replacement for an existing building on site. There is no dispute that this building benefits from a certificate of lawfulness¹ for use for habitable accommodation. The appellants submit that this building is now structurally unsound and requires replacement. The Council has not objected to the extension of one building or the physical replacement of the second one. However, in granting planning permission it has restricted the occupation of the buildings.

4. The appeal site is within the Green Belt. No party to this appeal is arguing that the proposal should be regarded as inappropriate development for the purposes of Green Belt policy or the National Planning Policy Framework (the Framework). I consider that the proposal is not inappropriate development. Consequently, the main issue is whether the condition restricting the occupation of the buildings is necessary and reasonable taking into account the effect on the character and appearance of the area.

Reasons

5. It is not clear from the Council's report whether the two buildings were ever occupied as uncontrolled independent units. However, its report sets out that *'The application also offers the opportunity to finally control development at the site and the removal a lawful dwelling from the plot, through the use of an appropriate planning condition requiring that the extended annexe and the replacement annexe, which will occupied by the applicants' children, are only used as ancillary accommodation to the main dwelling The Hyde, and not occupied as separate units of residential occupation independent of the rest of the site'*. However, this does not indicate what elements of the provision of separate units would be harmful.
6. The buildings are already occupied by family members within a site that is already in effect physically separate from the main dwelling. If the condition were to be removed the buildings would be unconnected from the main residential occupancy of The Hyde. Glebe Road is mainly characterised by large detached dwellings with generous plots that front onto the road itself. However, there are some examples of development in depth along Glebe Road and in the wider locality of Ramsden Bellhouse. In addition, whilst I appreciate the scheme is not frontage development; within the wider area the site would be well contained. It would not be visible within the street scene and long range views would be extremely limited.
7. The plans indicate that the areas around the buildings would be used for parking and recreation associated with the occupation of the buildings. It is possible that the independent use could see a marginal increase in domestic paraphernalia. However, the buildings are located close to The Hyde and other dwellings on Glebe Road. Furthermore, there is no indication that the number of occupants would increase and therefore significant additional vehicular movements would be unlikely. Within this context the independent use of the buildings would not appear out of place.
8. I therefore conclude that to remove the condition is not be harmful to the character and appearance of the area and consequently it would not be necessary or reasonable.

¹ LPA ref 15/00484/LDC

Conclusion

9. For the reasons given and having regard to all other matters raised the appeal is allowed.

D J Board

INSPECTOR