
Appeal Decisions

Site visit made on 8 October 2019

by C Osgathorp BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal A Ref: APP/V1505/W/19/3233256

Riverside House, Lower Southend Road, Wickford SS11 8BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London and County Investments Ltd against the decision of Basildon Borough Council.
 - The application Ref 18/01303/FULL, dated 6 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is erection of a smoking shelter.
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Appeal B Ref: APP/V1505/W/19/3233257

Riverside House, Lower Southend Road, Wickford SS11 8BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by London and County Investments Ltd against the decision of Basildon Borough Council.
 - The application Ref 18/01302/FULL, dated 6 September 2018, was refused by notice dated 31 January 2019.
 - The development proposed is erection of a catering kiosk.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matter

3. In respect of Appeal B, I have used the description of development shown on the Council's decision notice and the appellant's appeal form in the banner heading because it is more precise than the description shown on the planning application form.

Main Issue

4. The main issue in both appeals is the effect of the proposed development on the character and appearance of the area.

Reasons

5. The appeal schemes relate to an area of open space positioned between River Crouch and Lower Southend Road. The open space makes a positive contribution to the character and appearance of the area by providing greenery in a built-up area within Wickford town centre.
6. The smoking shelter proposed by Appeal A and the catering kiosk proposed by Appeal B would be positioned on the open space and both structures would respectively add clutter in the street scene. The appearance of the structures would be utilitarian in nature and each would erode the contribution that the soft landscaping provides to the character and appearance of the area.
7. For these reasons, I conclude that the smoking shelter proposed by Appeal A and the catering kiosk proposed by Appeal B would cause significant harm to the character and appearance of the area. The appeal schemes would therefore be contrary to saved Policy BAS R1 of the Basildon District Local Plan 1998, which, amongst other things, states that planning permission will not be granted for development of open space which would cause significant harm to the contribution that the open space makes to the character of the area within which it is located. The proposals would also be contrary to Chapter 12 of the National Planning Policy Framework, which seeks the creation of high quality buildings and places.
8. I have had regard to the appellant's statement that the proposed catering kiosk would act as a catalyst for social interaction and contribute to economic sustainability. However, I saw that there are nearby food and drink establishments in the town centre and these considerations would not outweigh the harm that I have found. Furthermore, there is no substantive evidence before me to support the appellant's statement that a designated area for smoking would reduce the risk of environmental pollution and disturbance to non-smoking residents and employees.

Conclusion

9. For the reasons given above, and having had regard to all matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

C Osgathorp

INSPECTOR