The Planning Inspectorate

Appeal Decision

Site visit made on 3 December 2019

by B.S.Rogers BA(Hons) DipTP MRTPI

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

Decision date: 09 December 2019

Appeal Ref: APP/V1505/C/19/3224653
70a Norsey Road, Billericay, CM11 1AN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Russell Jarvis against an enforcement notice issued by Basildon District Council.
- The enforcement notice was issued on 4 February 2019.
- The breach of planning control as alleged in the notice is without planning permission the unauthorised construction of a building forward of the principle (sic) elevation of the dwelling house fronting the highway.
- The requirements of the notice are (a) stop all construction works relating to the building of the unauthorised double garage; (b) demolish the building and remove all resultant debris and materials from the land shown red on the notice plan; (c) return the area for parking as defined in drawing ref 647/3B (site plan) attached to approval notice ref 13/00502/FULL.
- The period for compliance with the requirements is 1 day for step (a) and 28 days for steps (b) and (c).
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.

Formal Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the erection of a double garage on land at 70a Norsey Road, Billericay, CM11 1AN referred to in the notice.

Reasons

2. The appeal property is a modern detached house within a predominantly residential area of Billericay, characterised by a number of large, detached houses in substantial plots. The building which is the subject of this appeal is a detached, double garage, sited between the dwelling and the highway, and close to the boundary with the adjacent dwelling to the north, no.72, Norsey Road. The original scheme submitted as part of the planning application for the erection of No.70a (ref: 13/00502/FULL) included a proposed garage on the site of the present garage. However, this was deleted from the scheme and amended plans were approved in August 2013 which showed the area in question to be used for parking.

3. The National Planning Policy Framework attaches great importance to the design of the built environment and requires high quality design and a good

standard of amenity for all existing and future occupants of land and buildings. Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) is consistent with this approach.

4. Accordingly, the main issues are the impact of the development on the character and appearance of the area and on the living conditions of the occupants of this and the neighbouring dwelling.

Character and appearance

5. The garage is built with a brick plinth and boarded walls to match the facing materials of the main house. Its flat roof form appears to be a specific design response to its setting. Both nos. 70a and 72 are sited at a lower level than Norsey Road and this garage, too, is sited some 1.1m below the level of the adjacent highway. It sits behind a substantial hedge to the front boundary which provides a substantial level of screening, making the garage quite inconspicuous in the street scene.

6. This part of Billericay contains numerous other properties in the locality which have detached garages sited forward of the main dwelling, adding variety to the street scene. The Council refers to its Development Control Guidelines, which indicate that garages should normally be set back from the front boundary by at least 6m. However, it is not made clear whether this is for highway safety or for aesthetic reasons. In this case, the garage is accessed from the side, via an extensive forecourt, rather than directly from the highway, giving no concern regarding highway safety. Here, a 6m setback appears unnecessary for aesthetic reasons. To my mind, the garage in question does not appear discordant with the character or appearance of the area.

Residential amenity

7. The garage is sited close to the front of no.70a, where it could potentially affect 2 ground floor windows of the host dwelling. However, one of these serves a small study and the other is one of three windows serving a living room. To my mind, there is no undue loss of light to these rooms and the loss of outlook from the study appears tolerable, given the function of the room.

8. Turning to the impact on the occupants of no.72, the garage abuts the common boundary between the two dwellings, which is marked by a timber screen fence; the lawfulness of this fence appears unchallenged by the Council. The nearest ground floor window of no.72 is a significant distance from the garage, which projects only a small distance above the screen fence. As far as I was able to judge, the garage does not appear to unduly diminish the sunlight or daylight received by, or the openness of aspect from, the window in question.

9. In conclusion, I find that the garage does not unduly harm either the character or appearance of the area or the living conditions of the occupants of nos. 70a or 72 Norsey Road. Accordingly, there is no conflict with the development plan or the Framework and the appeal succeeds.

B.S.Rogers

Inspector