

Appeal Decision

Unaccompanied site visit made on 28 February 2020

by Andrew Dale BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th March 2020

Appeal Ref: APP/V1505/C/19/3227113

Land at 2 Kenilworth Place, Noak Bridge, Basildon SS15 4DQ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Mr Kamara Lewis against an enforcement notice issued by Basildon Borough Council.
 - The enforcement notice was issued on 5 April 2019 under ref. 18/00304/UBW.
 - The breach of planning control as alleged in the notice is "Without planning permission, the erection of a car-port (sic) on the Land."
 - The requirement of the notice is set out as follows:
"I. Remove the wooden framed car port (sic) (as shown in the in the (sic) photograph at Appendix A and the area outlined and hatched blue on the plan) from the Land including all associated fixtures, fittings and waste materials therefrom.
 - The period for compliance with these requirements is 2 months.
 - The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the 1990 Act as amended.
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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 Town and Country Planning Act 1990 as amended for the development already carried out, namely the erection of a carport on land at 2 Kenilworth Place, Noak Bridge, Basildon SS15 4DQ referred to in the notice.

Preliminary matter

2. As identified in the heading above there are minor spelling and typographical errors in the enforcement notice but no misunderstanding has arisen and I see no need to make any formal corrections to the notice as such.

The appeal on ground (a) and the deemed planning application

3. Having regard to the reasons for issuing the enforcement notice, I consider that, in assessing whether planning permission ought to be granted for what is alleged in the notice, the main issue is the effect of the carport upon the character and appearance of the Noak Bridge Conservation Area.
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4. The only development plan policy I have been referred to is Policy BAS BE12 from the Basildon District Local Plan (LP) Saved Policies September 2007 (not from the "Local Plan Guidelines" as stated in the notice). This is concerned with typical development control issues arising from proposals for new residential development and the alteration and extension of existing dwellings. In particular, such proposals will be refused if material harm is caused to the character of the surrounding area, including the street scene. There is also the statutory duty imposed by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requiring decision-makers to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. LP Policy BAS BE12 and the statutory duty are broadly consistent with sections 12 and 16 respectively of the National Planning Policy Framework (the Framework).
5. There is guidance endorsed by the development plan in the form of Basildon Council's Development Control Guidelines and the Essex Design Guide. I have not been provided with copies of or any relevant extracts from them. The Basildon Borough Publication Local Plan 2014-2034 (the emerging Local Plan) has been published but has yet to be examined and found sound. I have not been supplied with copies of any policies from it but they could only have attracted limited weight as a further material consideration in any event. The Council has provided a copy of the Noak Bridge Conservation Area Appraisal and Management Plan (CAAMP) which I have read and had regard to.
6. Noak Bridge Conservation Area encompasses a residential suburb which was built to be suggestive of a traditional English village. Even though it seems to date from the late 1970s and 1980s, the CAAMP confirms that Noak Bridge is a highly successful exercise in place-making in that regard.
7. The appeal property lies at the end of a short terrace on the junction between Lower Street and Kenilworth Place in the older part of Noak Bridge. Alongside its roadside boundary to Lower Street, there is a well-established mixed hedgerow and a paved area, being the site upon which the carport has been erected. There is a similar hardstanding immediately alongside it, which is presumably allocated for and part of 75 Lower Street, such that there is something of a gash in the street scene on Lower Street at this point. The backdrop of timber fencing and gates separating those hard surfaces from the back gardens attracts no accolades. The site, upon which the carport has been erected, falls short of making a positive contribution to the character and appearance of the conservation area.
8. Carports are commonly found within residential areas. For example, the appellant points to 4 other carport-like structures in close proximity to the appeal property. That said, I could not identify anything of note at 82 Lower Street. Circumstances may have changed there since the photograph at Appendix C of the appellant's *Appeal Points* was taken in April 2019.
9. The appellant's carport is a freestanding one which does not present itself as an extension to the existing dwelling or as a conventional garage. It is a simple, generally open structure supported by 8 timber posts. There is a timber frame supporting the very shallow, near flat roof. The roof plane, such as it is, is covered by green coloured corrugated bitumen sheeting. This faces back towards the house and the mature roadside hedging.

10. There is nothing untoward about the scale of the carport. It covers only a very small proportion of the overall curtilage of 2 Kenilworth Place and does not extend beyond the off-street parking space upon which it has been fixed. It is apt to provide cover for a single motor vehicle. The roof reaches just above the level of the adjacent boundary fences and gates.
11. All the timber used in the construction of the carport is of good quality and I note that timber, albeit in the form of weatherboarding, is widely used throughout the conservation area. The roofing material does not appear out of place for a building of this form and function. The corrugated profile echoes the pattern of the pantiles found on nearby buildings and very little of the roof plane can actually be seen in public views given its very shallow slope and limited height and the presence of the mature hedgerow. The use of traditional roofing materials, such as pantiles, would have required a far more substantial roof form.
12. In assessing the carport's positioning, I am somewhat confused by the reference to north and south in the *Officer Report (Enforcement)*. On the approach along Lower Street from the north-east, one of the *Important Views* in the conservation area according to pages 20 and 42 of the CAAMP, I saw that, even in the late winter period of my site visit, the carport is mostly hidden from view given the close proximity, size and alignment of the mature roadside hedge. In short-lived direct views from Lower Street when approaching from the west, it is variously seen against the backdrop of the boundary fencing, gates, hedging and buildings. I am satisfied that the carport does not stand out as being visually incongruous or too disruptive to the street scene and does not materially detract from the visual interest of the wider surroundings.
13. There have been no objections lodged by local residents in response to this appeal. Rather, the occupiers of 2 properties on Lower Street directly opposite the appeal site have written to say that they support the erection of the carport. They believe it looks quite attractive. They also point to the hazards caused by on-street parking to other road users including pedestrians. The CAAMP also confirms at page 28 that parked cars are now obtrusive everywhere in this part of Noak Bridge. I saw this for myself even in the mid-afternoon period of my site visit. For these reasons, as the carport should increase the likelihood of an off-street parking space being used, it is likely to result in modest benefits to road safety and visual amenity.
14. Drawing together the above, I do not regard the land to which the carport has been fixed as being particularly integral to the character and appearance of this conservation area. Moreover, in terms of its scale, materials of construction and positioning, the carport does not appear out of place and is sufficiently respectful of the local context, the street scene and the wider surroundings. In my view, the carport has not led to any harm to the significance of the designated heritage asset – the conservation area. I find on the main issue that the carport preserves the character and appearance of the Noak Bridge Conservation Area. There is no material conflict with LP Policy BAS BE12 and or with sections 12 and 16 of the Framework.
15. The Council has not set out any planning conditions to be imposed in the event of the appeal being allowed and I consider that there is no need for any.

16. I have had regard to all other matters raised but my finding on the main issue is decisive in this appeal. I find nothing to outweigh the conclusion I have reached that the appeal on ground (a) and the deemed planning application should succeed. Planning permission will be granted.

Andrew Dale

INSPECTOR