



Appeal Decision

Site visit made on 1 October 2020

by Ian Harrison BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 January 2021

Appeal Ref: APP/V1505/W/20/3245471

125 Passingham Avenue, Billericay, Essex CM11 2TA

- 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 Mr T Bowditch against the decision of Basildon Borough Council.
 - The application Ref 19/00208/FUL, dated 7 February 2019, was refused by notice dated 9 October 2019.
 - The development proposed is the demolition of existing dwelling and construction of 3 dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing dwelling and construction of 3 dwellings at 125 Passingham Avenue, Billericay, Essex CM11 2TA in accordance with the terms of the application 19/00208/FUL, dated 7 February 2019 and the plans submitted with it subject to the conditions set out in the attached schedule.

Procedural Matters

2. Notwithstanding the description of the development that is set out above, on visiting the site it was apparent that the former dwelling at the site had already been demolished and I have proceeded on that basis.
3. Although not a reason for refusal, the potential for the development to effect European Designated Sites was raised with the Council and the appellant and Natural England were consulted. The Council has subsequently confirmed that the site is outside the Zone of Influence of the Essex Coast European Designated Sites. Consequently, this is not a matter that requires further consideration.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. Passingham Avenue is a lengthy street that features residential properties to both sides with the part surrounding the appeal site consisting of a mixture of detached and semi-detached bungalows and two storey dwellings of varied scale and appearance on plots of differing widths. The layout and form of development becomes more consistent further along Passingham Avenue with pairs of semi-detached dwellings eventually making way for terraces, with the dwellings of the nearby Passingham Close and the adjacent part of Passingham Avenue featuring full gable roofs to both sides with shallow gable projections to the front. One of

those pairs of semi-detached dwellings is positioned at a bend in Passingham Avenue in such a way that it terminates the view along the part of Passingham Avenue that includes the appeal site. The appeal site is a large, rectangular plot that the evidence before me indicates featured a bungalow.

6. The proposal would involve the erection of a terrace of three dwellings with half-hipped gables to each side, a shallow full height projection to the front with a hipped roof and single storey projection to the rear. Six car parking spaces would be provided to the front and gardens to the rear.
7. As there are no terraces within the immediate vicinity of the site, the proposal would introduce a new form of development that would not be consistent with its surroundings. However, given the varied scale and appearance of the built form surrounding the appeal site, the introduction of an alternative form of development would not disrupt the pattern of development in such a way that it would be harmful to the appearance or character of the area. In this regard, the proposed built form would be of a height that would be similar to the adjacent pair of semi-detached dwellings and the plot width of each dwelling would be comparable to others within the vicinity of the site, albeit this would not be perceptible from the front given that the parking area would not be divided.
8. Whilst the building would be wider than most others within the vicinity of the site, it would be of comparable width to the pair of extended dwellings at 127 and 129 Passingham Avenue and would sit on a wider plot than most other dwellings. Moreover, the massing of the building would be broken up by the provision of a central shallow projection which, whilst not being identical to the other shallow projections at the front of buildings further along Passingham Avenue, would have some similarities that would enable it to sit comfortably within its context.
9. Whilst the proposed car parking would dominate the frontage of the site, the submitted plans indicate that some soft landscaping would be able to be provided. The dominance of hardstanding and the provision of a little vegetation would be in-keeping with the frontages of several properties within the vicinity of the site and would not, therefore, cause the development to appear incongruous within the street. Moreover, although smaller than most others within Passingham Avenue, the rear gardens serving the proposed dwellings would be of sufficient size to serve the future occupiers of the dwellings and would not be so small that they would cause the development to appear contrived in the context of the surrounding area. Therefore, these factors do not lead me to conclude that the proposal represents overdevelopment of the plot.
10. For the reasons given above, the development would have an acceptable effect on the character and appearance of the area. The proposal would, therefore, accord with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) which states that new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene. The proposal would also accord with the National Planning Policy Framework (The Framework) which states that development should be of high quality design and sympathetic to local character, whilst also encouraging development to make efficient use of land.
11. Both main parties have identified that the Council submitted the emerging Basildon Borough Local Plan 2014-2034 for examination in 2019. However, that document being at an early stage of its preparation would only enable it to be afforded limited weight and, in this case, I have no basis to conclude that the emerging policies would lead me to assess this matter differently.

Other Matters

12. Most properties within the vicinity of the site are served by off-road car parking, but the evidence before me and my visit to the site indicates that on-street parking occurs within the vicinity of the site. In this regard, the provision of a lengthy dropped kerb would reduce the opportunity to park on-street. However, ample parking would be provided to serve the proposed dwellings and I have no basis to conclude that the proposal would cause an increase of on-street parking demand or traffic to an extent that would cause unacceptable parking stress within the vicinity of the site, restrict the flow of traffic or reduce safety for any user of the highway. Moreover, as the site would be served by adequate off-street parking, the potential introduction of parking restrictions within Passingham Avenue that has been brought to my attention does not alter my assessment of the proposal.
13. The two storey rear elevations of the proposed dwellings would be positioned further to the rear of the plots than the rear elevations of both neighbouring dwellings and the proposed dwellings would have single storey projections that would extend further to the rear. As such, the dwellings would have some impact on the light received within neighbouring dwellings and cause an increased sense of enclosure within the neighbouring dwellings and gardens. However, the separation distance between the proposed building and the glazed openings in the side elevation of 123 Passingham Avenue ensures that that dwelling would continue to receive adequate light and have an outlook. Moreover, whilst the building would project beyond the rear elevation of 127 Passingham Avenue, the majority of that projection would be single storey and, therefore, the effect on light and outlook within that property would be limited.
14. The space between the proposed dwellings and the bungalows at the opposite side of Passingham Avenue would be sufficient to ensure that any impact on light, outlook or privacy would be minimal and would not cause unacceptable harm to living conditions within those properties. Moreover, the upper floor windows would also be a sufficient distance from the dwellings of Tyrone Close to ensure that they would not cause an unacceptable loss of privacy within the dwellings to the rear of the site. Therefore, whilst the dwellings would have some impact on the living conditions of neighbouring dwellings, they would retain a good standard of amenity. Accordingly, the proposal would accord with paragraph 127 of The Framework in this respect.
15. Interested parties have identified that a telegraph pole at the frontage of the site and a strip of land that is outside the appellant's control may prevent the development occurring. However, these are private matters that fall outside the scope of my assessment. Similarly, the financial objectives of the developer and the value of properties within the vicinity of the site are not matters that I am able to have regard to. Moreover, whilst interested parties have identified that the proposal would cause a loss of wildlife, disturbance during the construction period and be served by inadequate sewage infrastructure, the evidence before me in these respects is not compelling. Likewise, the evidence before me does not indicate that the site is within the Green Belt and this is not, therefore, a matter that I shall consider further.
16. I have been made aware that the Council is not able to demonstrate an adequate supply of housing land with both main parties identifying that the current level of supply is 2.4 years. However, as I have found the development acceptable, the benefit arising from the boost of housing supply is not a matter that is required to be weighed against other considerations.

Conditions and Conclusion

17. I have imposed conditions in relation to the time period for the commencement of development and to require the development to be undertaken in accordance with the approved plans in the interests of clarity. In the interests of ensuring that the development complements the character and appearance of the surrounding area, conditions are also imposed to ensure that the materials used in the construction of the proposed development and the soft and hard landscaping of the site complement the locality. Conditions are also imposed to limit the outlook from side facing windows above ground floor level to ensure that the occupiers of neighbouring dwellings are not unduly overlooked. Details of the ground levels of the proposed development are also required to be agreed for the same reasons.
18. A condition is also imposed to require the provision of a functional access and parking, in accordance with the approved plans, in the interests of highway safety. A further condition is imposed to require electric vehicle charging points to be provided in the interests of promoting sustainable modes of transport and in accordance with paragraph 110 of The Framework. Furthermore, in order to ensure that adequate garden space is retained and that the development does not harm the living conditions of neighbouring residents, a condition limiting permitted development opportunities relating to extensions also meets the relevant tests.
19. For the reasons given above and subject to the imposition of the conditions included within the schedule below, I conclude that the appeal should be allowed and planning permission should be granted.

Ian Harrison

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans; H343/01 Revision A, H343/03, H343/04 Revision A, H343/05 Revision A, H343/06, H343/07
3. Prior to their use in the construction of the development hereby approved, details of the colour and types of materials to be used on the roofs and external walls of the proposed buildings shall have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be undertaken in accordance with the approved details.
4. No dwelling shall be occupied until two parking spaces have been laid out and made available for use, without obstruction, to serve that dwelling, in accordance with with drawing no. H343/071 Revision A and H343/07. The parking spaces shall thereafter be kept available at all times for the parking of vehicles.
5. Prior to the first occupation of any of the dwellings hereby approved a scheme of landscaping, including details of hard landscaping and materials, soft landscaping and boundary treatments, shall be submitted to and approved in writing by the Local Planning Authority. All planting, seeding and turfing comprised in the approved details of soft landscaping shall be carried out in the

first planting and seeding season following the occupation of the dwellings, or completion of the development, whichever is sooner. The approved hard landscaping shall be completed and the boundary treatments shall be constructed prior to the first occupation of any of the approved dwellings. Any trees or shrubs or other elements of landscaping dying within five years of planting, shall be replaced by the developers or their successors in title.

6. No works above ground level shall occur until details of the finished floor levels of the approved dwellings in relation to existing ground levels have been submitted to and approved in writing by the Local Planning Authority. Subsequently, the development shall only be carried out in accordance with the approved details.
7. No dwelling hereby approved shall be occupied until any windows above ground floor level in the flank elevation of that dwelling has been fitted with obscured glazing, and no part of that/those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Once installed the obscured glazing shall be retained thereafter.
8. Prior to the occupation of any of the dwellings hereby approved, details setting out the proposed measures for the provision of electric vehicle charging infrastructure for the new dwellings shall have been submitted to and agreed by the Local Planning Authority. The agreed measures shall be implemented prior to the occupation of any of the dwellings hereby approved and thereafter retained.
9. Notwithstanding the provisions of Article 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), or any Order revoking and re-enacting that Order with or without modification, no development within Class A of Part 1 of Schedule 2 to the Order shall be carried out within the site of this application, except with express planning permission having first been granted.