



Appeal Decision

Site visit made on 2nd February 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd March 2021

Appeal Ref: APP/V1505/W/20/3248827

61 Kings Road, Laindon, Basildon, Essex SS15 4AQ

- 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 D Clarke against the decision of Basildon District Council.
 - The application Ref 19/01666/FULL, dated 2 December 2019, was refused by notice dated 31 January 2020.
 - The development proposed is described as the "conversion and extension to existing garage to form one bedroom detached dwelling design for disabled use of family member to rear of 61-63 Kings Road, Laindon. New vehicle cross-over and two parking spaces".
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site forms a detached single garage which is located to the rear of the property known as 63 Kings Road, which itself sits on the corner of Kings Road and Kings Crescent. As a result, the appeal site is accessed via and visible from Kings Crescent. The area is predominantly residential and has a pleasant suburban character which contains a variety of size and style of property that face onto Kings Road and Lancaster Crescent.
4. There is a degree of uniformity to the area created by the layout and appearance of dwellings in the vicinity which, on the whole, are semi-detached dwellings that are positioned in a linear manner along the road with garden areas or parking to the front. Properties also benefit from private gardens to the rear, which tend to be undeveloped and contain domestic structures such as sheds and garage style buildings, contributing towards the openness of the area.
5. The proposal seeks to extend and convert an existing single storey garage which sits to the rear of Nos 61 and 63 Kings Road into a one bed detached dwelling with its own private garden area. The property known as 61 Kings Road was granted planning permission in 2014¹ for its subdivision to create two

¹ Planning Application 14/00052/FUL

bungalows, which also resulted in the rear garden area being severed to provide separate amenity areas for each bungalow. The proposed development seeks the further division of the rear garden areas to ensure each unit of accommodation has an adequate private amenity space.

6. I acknowledge that adequate space in terms of garden area would be provided and that the development would meet expected space standards². However, the introduction of a further dwelling at this location would further reduce the space about the buildings and would reduce the garden areas for the existing properties. The plot size of the appeal scheme in this location would appear significantly smaller than the surrounding properties and notwithstanding that the site lies within a built-up area, the prevailing character of properties in the vicinity is that their rear garden areas are generally relative to their size.
7. Moreover, despite the various building styles and forms, the prevailing plot sizes result in a regular pattern and rhythm of development, making a positive contribution to the surrounding area. Thus, in the context of the area surrounding the appeal site, the proposed scheme would be distinctly at odds with the character of neighbouring dwellings, as it would appear as a more cramped development that would fail to reflect or respect the suburban grain of the area and would be quite out of keeping with its established character.
8. Thus, the development would result in harm to the character and appearance of the area. It would be in conflict with Policy BAS BE12 of the Basildon District Council Local Plan 2007 and paragraph 127 of the National Planning Policy Framework (the Framework) which seek, amongst other things, to ensure that developments do not harm the character of an area, including the street scene.

Other Matters

9. I understand that the intended occupier of the dwelling has health issues and requires ground floor accommodation, which is supported by a letter from a doctor. Although I can understand and sympathise with the individual's medical circumstances, I have not been provided with substantive evidence to demonstrate that existing properties in the vicinity could not provide the quality of accommodation required by the intended occupier. Therefore, I can only give this matter limited weight.
10. I acknowledge that adequate parking would be provided for the proposed dwelling and that the impact of the development on the living conditions of adjoining occupiers was not raised as an issue by the Council. However, neither this nor any other material consideration that has been advanced outweighs the harm that I have identified above.
11. I note that representations were made by a local resident, raising additional concerns. However, given my findings on the main issues, it is not necessary to consider these matters in detail.

Planning Balance and Conclusion

12. The Council accept that it cannot currently demonstrate a five year supply of deliverable housing sites. In such circumstances, paragraph 11 d) ii of the Framework requires planning permission to be granted unless "*any adverse impacts of doing so would significantly and demonstrably outweigh the*

² Technical housing standards – nationally described space standard March 2015

benefits, when assessed against the policies in this Framework taken as a whole."

13. The proposal would boost housing supply in the District and there would be economic benefits resulting from the construction of the new dwelling. The occupants of the dwelling are also likely to assist the local economy through additional spending in the area. There may also be social benefits from the provision of a dwelling which is in a location that is close to amenities, services, and transport links. Combined, given that the development is for a single dwelling, I would attach moderate weight to these benefits.
14. However, I have found that the proposal would be contrary to the development plan in that it would result in harm to the character and appearance of the area, to which I afford significant weight. Consequently, the harm I have found is serious and, in my view, that significantly and demonstrably outweighs the benefits of the scheme when assessed against the policies in the Framework taken as a whole. As such the presumption in favour of sustainable development as envisaged by the Framework does not apply in this case. There are no other material considerations that indicate a decision other than in accordance with the development plan.
15. As I have found the proposal would be in conflict with the development plan, the appeal is therefore dismissed.

Graham Wyatt

INSPECTOR