



Appeal Decision

Site visit made on 2 February 2021

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021

Appeal Ref: APP/V1505/D/20/3248850

19 Bruce Grove, Wickford, Essex SS11 8RB

- 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 John Wray against the decision of Basildon District Council.
 - The application Ref 19/01536/FULL, dated 31 October 2019, was refused by notice dated 31 January 2020
 - The development proposed is described as the "removal of 2 No. garage/stores and construction of one bed 'granny annexe' to existing house for disabled relative".
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council's decision notice has three reasons for refusal relating to the use of the building as a dwelling, its impact on the living conditions of adjoining occupiers and its effect on the character and appearance of the area.
3. Taking these matters into account, I find that the main issues in this appeal are the use of the property as an annexe or a separate dwelling, and its effect on the character and appearance of the area and the living conditions of adjoining occupiers with particular regard to privacy and outlook.

Reasons

4. The appeal site comprises part of the rear garden of the host property which contains a single garage to the side of the dwelling and a further double garage to its rear. The proposal seeks to demolish both existing garages to allow an access into the site and to erect a building described as an annexe.
5. The area is predominantly residential and has a pleasant suburban character which contains a variety of size and style of property. There is a degree of uniformity to the area created by the layout of dwellings in the vicinity which 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.
6. The proposed accommodation would be used by a disabled family member, providing a bedroom, a living dining room with a kitchen area and a shower room with a WC. The site would be accessed via a separate vehicular entrance that would serve the building along with its own dedicated parking space and

private garden area. The site would be severed from the main dwelling through landscaping and the installation of a 2m high screen.

7. For the proposed building to constitute an annexe it is not essential for all facilities to be shared. However, bearing in mind the physical detachment of the proposed building from the existing dwelling, its self-contained nature, and the fact that it could be accessed separately from the existing drive by vehicular traffic, I would tend to agree with the Council's position that the proposal would not appear as an ancillary building, but rather as a new dwelling. Accordingly, I shall deal with it as such.
8. I acknowledge that adequate space in terms of garden area would be provided, that the development would meet Part M of Building Regulations and that the appeal site is within a location whereby additional residential development would generally be accepted in principle. However, the introduction of a further dwelling at this location would reduce the space about the buildings and the garden area for the existing property. The plot size of the appeal scheme in this location would appear significantly smaller than the majority of surrounding properties.
9. 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 area. Thus, in the context of the area surrounding the appeal site, the location of the building to the rear of the existing property and the creation of an independent residential unit would be at odds with the character of neighbouring dwellings. 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.
10. With regard to the living conditions of adjoining occupiers, given the single storey nature of the proposal and existing and proposed boundary fencing, I am not persuaded that the development would lead to unacceptable levels of overlooking between the host property's garden area and the proposed development. Furthermore, its single storey nature, together with the proposed separation distances, would ensure that the development would not dominate surrounding properties.
11. Thus, although I have found that the development would not have a detrimental effect upon the living conditions of adjoining occupiers, the proposal would nonetheless 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 which seeks, amongst other things, to ensure that developments do not harm the character of the surrounding area.

Other Matters

12. I understand that the intended occupier of the proposal has health issues and requires specialist ground floor accommodation. The appellant also refers to "similar schemes" in the area that have been approved given the special circumstances of the applicant. Although I have given these personal circumstances very careful consideration, the building would remain long after such circumstances cease to be material. Moreover, 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, nor any details of similar properties that have been approved in the area. Therefore, I can only give these matters limited weight.

Conclusion

13. Thus, for the reasons given above, as I have found the proposal would be in conflict with the development plan, and there are no material considerations of such weight as to indicate that a decision be taken other than in accordance with the development plan, the appeal is dismissed.

Graham Wyatt

INSPECTOR