



Appeal Decision

Site Visit made on 5 July 2021

by **M Chalk BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16th July 2021

Appeal Ref: APP/V1505/W/21/3271495

13 Garland Court, Sun Street, Billericay, CM12 9FQ

- 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 & Mrs Ricky Jeffs against the decision of Basildon Borough Council.
- The application Ref 20/01105/FULL, dated 11 September 2020, was refused by notice dated 30 October 2020.
- The development proposed is described as "Juliette Balcony to replace existing window".

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's Emerging Local Plan has been submitted for examination, but it is not clear how far the examination has progressed. Its policies therefore carry limited weight in the determination of this appeal.
3. The appellants submitted a revised plan with the appeal proposing a different style of glazing to the proposed door to the balcony. Having regard to the principles established in *Wheatcroft*, determining the appeal based on this revised plan may deprive interested parties of the opportunity to comment on the revision. This appeal has therefore been determined based on the plans on which the Council based its decision.

Main Issues

4. The main issue is whether the development would conserve or enhance the character or appearance of the Billericay Conservation Area, and the effect on the character and appearance of the non-designated heritage asset.

Reasons

5. The site falls within the Billericay Conservation Area (the CA). In accordance with the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA. The Council's Conservation Area Character Appraisal (the Appraisal) states that the CAS comprises the heart of Billericay, and it is focused on High Street, Chapel Street and Sun Street. Its character comes from the commercial buildings throughout which dominate the CA, as well as listed buildings and Buildings of Local Interest. I agree with this assessment of the significance of the CA.
6. The Appraisal notes that the CA has few focal points, but recognises the building as terminating the view down the High Street and identifies the presence of multi-paned sash windows to its first floor. The building is designated as a Building of Local Interest that the Appraisal advises should be

given protection from unsympathetic alterations and extensions. The Council considers it to be a non-designated heritage asset, and I see no reason to disagree.

7. The sash window proposed to be replaced is in keeping with the general pattern of fenestration in the building as highlighted in the Appraisal. This elevation of the building is in prominent view from the open space opposite and in the surrounding area. While there are balconies to the rear of the building that were introduced as part of its conversion to apartments, these are not prominent in the street scene and have little impact on the character or appearance of the building or the wider CA.
8. The proposed balcony, due to its siting on this prominent elevation, would be highly visible in the surrounding area. It would be harmful to both the character and the appearance of the CA and unsympathetic to the character and appearance of the building.
9. The harm arising from this would be limited to the replacement of a single window that is a recent addition to the building and is not, itself, of historic significance. The harm would be experienced in views of the building in the wider area, but the balcony would be a single aspect of one elevation in the street scene. Given these considerations it would amount to less than substantial harm to the significance of the CA.
10. The National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework also states that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to less substantial harm to its significance.
11. In addition, the effect on the significance of the building as a non-designated heritage asset requires a balanced judgment having regard to the scale of any harm and the significance of the asset.
12. The appellants consider that there would be benefits from the creation of a more pleasant environment within their apartment with enhanced views of the open space opposite, especially considering the increased expectations for home working arising from the COVID-19 pandemic. However, this would be a principally private benefit and accordingly carries limited weight, which would not outweigh the harm to the significance of the CA or the building.
13. The appeal proposal therefore conflicts with Policy BAS BE12 of the Basildon Local Plan 2007 which, among other criteria, requires that the alteration of existing dwellings not cause harm to the character of the surrounding area, including the street scene.

Conclusion

14. There are no material considerations that indicate this appeal should be determined other than in accordance with the development plan. Therefore, for the reasons set out above, the appeal fails.

M Chalk

INSPECTOR