

Appeal Decision

Site visit made on 7 September 2021

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10/09/2021

Appeal Ref: APP/V1505/D/21/3272566

16 Hockley Road, Basildon SS14 1RP

- 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 Lee Robinson against the decision of Basildon Borough Council.
 - The application Ref 20/01429/FUL, dated 13 November 2020, was refused by notice dated 13 January 2021.
 - The development proposed is the demolition of existing outbuilding and construction of new outbuilding to form an annexe.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing outbuilding and construction of new outbuilding to form an annexe at 16 Hockley Road, Basildon SS14 1RP in accordance with the terms of the application, 20/01429/FUL, dated 13 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawing: 16HOCK-v020 Rev VO.2.
 - 3) The use of the outbuilding shall remain ancillary to the main house at the site and shall not be occupied as an independent unit of residential accommodation at any time.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area;
 - the living conditions of the occupiers of adjoining properties in Chittock Mead with particular regard to outlook.

Reasons

Character and appearance

3. The appeal property is a two storey, end of terrace dwelling with a fairly generous rear garden that is larger than most in the area. The garden currently accommodates a substantial outbuilding which is also larger than
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those typically found in the area. Nevertheless, it is an established feature and, whilst it can be seen from Chittock Gate and the rear of the adjoining dwellings in Chittock Mead, by virtue of its relatively modest height and distance from the site boundaries, it is not unduly dominant.

4. The proposed outbuilding would be positioned a similar distance from the site boundaries and its height would be comparable to the existing building. The new building would be deeper than the existing and, therefore, have a greater floor area. However, this additional bulk would be accommodated within the rear garden area of the appeal property and, given the size of that garden, would not appear cramped or the site over-developed. The additional bulk would not be conspicuous in views from Chittock Gate or the rear of the Chittock Mead properties.
5. Consequently, I find that the proposal would not have a harmful effect on the character and appearance of the area. As such, it would accord with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (LP) which requires alterations or extensions to existing dwellings to not harm the character of the surrounding area, including the street scene. It would also accord with paragraph 130 of the National Planning Policy Framework (the Framework) 2021 to the extent that it has similar aims¹.

Living Conditions

6. The rear elevation of the proposed outbuilding would be similar in height to the existing building and it would be sited some 1.2m off the rear boundary with the Chittock Mead properties. That boundary is marked by close boarded fences of varying heights and a number of the neighbouring properties have outbuildings abutting the fence. Whilst the neighbouring properties have windows facing the common boundary their rear gardens are fairly deep which provides a reasonable separation distance.
7. Taking all these factors into consideration, I conclude that the proposal would not have a detrimental effect on the living conditions of the occupiers of adjoining properties in Chittock Mead with particular regard to outlook. It would, therefore, comply with LP Policy BAS BE12 which, amongst other things, requires alterations or extensions to existing dwellings to not cause overshadowing or over-dominance. It would also accord with Framework paragraph 130 insofar as it requires proposals to achieve a high standard of amenity for existing users.

Other Matters

8. A previous application for an outbuilding at the appeal property was refused planning permission (application ref: 20/00925/FULL) and dismissed at appeal (appeal ref: APP/V1505/D/20/3264710). However, the outbuilding proposed in that case would have been slightly longer and significantly taller, particularly on its rear elevation, than the current proposal. It would also have been positioned much closer to the rear boundary of the appeal property and would have had windows in the rear elevation. As such, there are material differences between the two proposals which justify reaching a different conclusion on the main issues.

¹ Paragraph 130 of the 2021 Framework is largely consistent with paragraph 127 of the 2019 Framework cited in the reasons for refusal.

9. Concern has been expressed locally regarding the effects of the proposal on privacy, drainage, pumping and sewerage issues and noise. The proposed building would not have windows facing neighbouring properties and, therefore would not lead to a loss of privacy.
10. In terms of drainage, pumping and sewerage issues, there has been no objection to the proposal from the Council's Environmental Health department or the drainage authority. Details of the drainage and any pumping required would be dealt with under other legislation. I will impose a condition requiring the use of the proposed building to remain ancillary to the main house and not occupied as an independent unit. Together with the siting of the outbuilding and the absence of openings facing neighbouring properties this should ensure that the proposal would not adversely affect the living conditions of neighbouring occupiers by reason of noise.

Conditions

11. The Council has suggested three conditions. A time limit condition is necessary to accord with the Act. A condition requiring the development to be carried out in accordance with the approved drawing is required in the interests of certainty. I have already referred to a condition dealing with the use of the outbuilding. This is necessary to protect the character of the area and the living conditions of neighbouring occupiers.

Conclusion

12. For the reasons set out above, the appeal should be allowed.

Simon Warder

INSPECTOR