



Appeal Decision

Site visit made on 20 July 2021

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th September 2021

Appeal Ref: APP/V1505/W/21/3266518

Land adjacent to 65 Friern Gardens, Wickford SS12 OHD

- 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 M Du Toit (EMDT Ltd) against the decision of Basildon District Council.
 - The application Ref 20/00665/FULL, dated 1 June 2020 was refused by notice dated 4 August 2020.
 - The development proposed is the construction of a new detached 3 bedroom chalet bungalow to the north east of No. 65 Friern Gardens with the formation of a shared access with No. 63 Friern Gardens.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On the 20 July 2021, a revised National Planning Policy Framework (the Framework) was published. The comments of main parties have been considered in this decision where they have chosen to submit correspondence on this matter.

Main Issue

3. The main issue is the effect of the proposed dwelling's rear dormer on the character and appearance of the area.

Reasons

Character and appearance

4. The appeal site comprises land to the side and rear of a two-storey house at 65 Friern Gardens. Within the site, there is a narrow vehicular access between the frontage of this dwelling and its neighbour at 63 Friern Gardens. The access includes a double garage that served No. 65 (which is to be demolished). On the remaining rear and side boundaries of the site, detached dwellings back onto the appeal site. There is a mixture of two storey semi-detached houses, bungalows and chalets within the area.
5. The proposed dwelling would be sited a significant distance behind the existing dwelling at No. 65. However, it would have a flat roofed dormer which would cover much of its rear roof in terms of height, width, and projection beyond the roof plane. Its windows would be poorly aligned with those below which would create a disjointed rear elevation. By reason of its large size and window

alignment, the dormer would have a dominant and disjointed adverse effect out of keeping with the traditional design of the dwelling, with its sloping and hipped roof characteristics.

6. The dormer would be positioned on the rear of the new dwelling away from public vantage points. It would be set back from the boundaries of the site due to the spacious nature of the plot. However, the Framework states good design creates better places in which to live and work and requires decisions to ensure developments are visually attractive as a result of good architecture. With its excessive size and poor design, it would fall considerably short of this requirement and would still be a permanent and visible feature from neighbouring properties due to its position at first floor.
7. For all these reasons, the proposal would harm the character and appearance of the area. Accordingly, the proposal would be contrary to Policy BAS BE12 of the Basildon District Local Plan (LP) 1998 (with Alterations 1999) which, amongst other matters, states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area.

Other matters

8. The Council cannot demonstrate a five year housing land supply and can only identify approximately 2.4 years when assessed against new current objectively assessed housing need. The tilted balance at paragraph 11 d) ii. under the Framework would apply.
9. In this regard, the proposal would boost housing land supply in accordance with paragraph 60 of the Framework. However, good design is a key aspect sustainable development and the proposal would fail to achieve this by reason of poor architecture. Notwithstanding planning permission has been previously granted for a dwelling on the site, the boost to housing supply would be negligible in any case. Accordingly, the adverse impacts of granting planning permission for this proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
10. The site was previously granted planning permission for a 3 bedroom bungalow. It is unclear whether this planning permission is capable of being implemented. The Council has raised no objection to the principle of development of the site. Given the size of the site and its corner location, I share that view and the issue here remains with the design of the development. In comparison with the previous planning permission, the proposal would provide greater living space, including for homeworking, but this does not address or overcome the excessive size or poorly designed nature of the dormer.

Conclusion

11. The proposal would harm the character and appearance of the area in conflict with Policy BS BE12 of the LP and the development plan taken as a whole. There are no considerations of sufficient weight or importance that determine that the decision should be taken other than in accordance with the development plan and therefore, planning permission should be refused.

12. The development falls within the Zone of Influence for the Essex Coastal Recreational Avoidance and Mitigation Strategy (RAMS). To ensure the requirements of the Conservation of Habitats and Species Regulations 2017 are met, the Council requires the collection of payments from relevant developments towards the mitigation measures set out in the Essex Coast RAMS. If there had not been a substantive reason to dismiss this appeal, parties would have been consulted further on this issue to assess whether this would have prevented planning permission being granted as well.
13. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR