
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: 29th September 2021

Appeal Ref: APP/V1505/W/21/3267404

7 Station Avenue, Wickford SS11 7AS

- 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 Mandeep Basra (FSJM Limited c/o Oakmont Estates) against the decision of Basildon District Council.
 - The application Ref 20/01042/FULL, dated 20 August 2020, was refused by notice dated 23 December 2020.
 - The development proposed is mixed use development consisting 6 No. flats and a commercial unit of flexible use (A1, A2, A3, B1, D1 or D2) or new class 'E'.
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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 Issues

3. The main issues are the effects of the proposal on (a) the character and appearance of the area and (b) the living conditions of the occupiers of the flats, having regard to the provision of outside amenity space and pedestrian access routes.

Reasons

Character and appearance

4. The site comprises a two-storey building, early 20th century, which has a betting shop at the ground floor and flat above. To the rear, there is a two storey extension with a flat roof. The building is constructed in red brick and render, with a pitched slate roof above. Behind it, there is a hard surfaced yard area and a single storey outbuilding, and a hedge adjacent to Station Approach, a road serving the nearby train station. On one side of the building, there is a vehicular width access that serves the yard and outbuilding, whilst on the other side of the building, there is a car park associated with the train station.

5. There is a further two-storey building, similarly aged, adjacent to the access which has a newsagent at the ground floor. Beyond it, there are single-storey flat roofed buildings comprising The Arcade, a group of small commercial units at the junction of Station Avenue and The Broadway. Opposite the site, there is a modern large commercial and residential building at Broadway House which is constructed with red brick and render, with a flat roof above in a modern style. To the north, there is more traditional recent housing along Station Avenue and Jersey Gardens. Within the area, buildings are varied in age, style, external materials and design, with a mixture of traditional and modern.
6. Basildon District Local Plan (LP) 2007 Policy BAS BE12 states that, amongst other matters, that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene. Paragraph 126 of the Framework states the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve.
7. The frontage building would be two storey with accommodation within the roof above. The height and additional storey would be in keeping with the character and appearance of this town centre location, especially given the graduated step up from its neighbour. However, the extensive frontage design would lack attractiveness due to its limited palette of external materials, plain design, and large and bulky two pane glass dormers. There would also be an extensive largely unarticulated and overbearing side elevation flanking onto the neighbouring car park.
8. Furthermore, there would be an awkwardly designed 'undercroft' vehicular access beneath the first floor. The carriageway width would be approximately a third of the frontage and would be positioned over the former vehicular access. However, there would be an exposed angled wall, enclosing the refuse and recycling facilities, an extensive hard surfaced area and exposed brick wall alongside the common boundary with the neighbouring property. Such design and layout would have little meaningful articulation to reduce its overbearing and awkward appearance.
9. The rear building would be smaller without the 'undercroft' vehicular access, but it would suffer from similar design failings due to the use of a limited palette of materials, plain design, and a large flat roofed dormer. Additionally, its frontage would appear visually incoherent with its unbalanced and extensive row of three doors. In between the two buildings, there would be hard surfaced areas dominated by vehicle parking and limited landscaping that would result in a poor layout for residents.
10. The surrounding area is varied in design quality but the existing building is of an attractive traditional appearance with its first floor red brick construction, multipaned windows, and slate roof with chimneys. Furthermore, the Framework and local plan policy place a high regard on developments having good design. Indeed, paragraph 126 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work, and helps make development acceptable to communities.
11. For all these reasons, the development would harm the character and appearance of the area and the proposal would be contrary to Policy BAS BE12 of the LP. It would also conflict with emerging Policy DES4 of the Basildon

Borough Revised Publication Local Plan (RPLP) 2014 - 2034 (2018), which amongst other matters, requires buildings to be designed to a high standard, responding appropriately to their location and reflecting their function and role in relation to the public realm.

Living conditions

12. There would be little private or communal amenity space provided as part of the residential development. The open area between the two blocks would be dominated by vehicular parking, turning areas and pedestrian accessways, and the limited landscaping would be restricted to border planting. At the back of the rear building, there would be little space between it and a new hedge alongside Station Approach.
13. Four of the six flats would accommodate 2 bedroom 4 person units of accommodation which families could reside in. Such accommodation would have daily external space requirements, such as children's play space, relaxation and clothes drying. Such requirements would not be easily replaced by nearby public open spaces, such as Wickford Cricket Club and Wickford Memorial Park. These spaces would not be a substitute for these everyday outside living activities which need to be provided at home in a readily convenient way.
14. No dedicated routes for pedestrian access to the flats would be provided. Pedestrians would walk through areas used for vehicle turning and access. However, the shared use of these areas would not be unsafe or inconvenient given the small-scale nature of the development. Traffic movements would not be of a scale to cause an unacceptable impact on highway safety. On this basis, there would be no significant adverse impact on living conditions arising from unsafe and inconvenient pedestrian access, but this does not overcome living condition harm due to unacceptable outdoor amenity space provision.
15. LP Policy BAS BE12 details that planning permission for new residential development will be refused if it causes material harm to certain living condition considerations. Provision of private outdoor space is not listed as a consideration and thus, there would be no conflict with this policy.
16. However, Framework policy requires a high standard of amenity for future users which the proposal would fail to achieve due to unacceptable amenity space provision. There would also be conflict with emerging Policy DES4 of the RPLP which requires, amongst other matters, adequate, appropriate and usable amenity space, as necessary.

Other matters

17. 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.
18. In this regard, the proposal would result in a net increase of 5 dwellings which would boost housing land supply in accordance with paragraph 60 of the Framework. The development would make effective use of land in meeting this need and development would have excellent accessibility to services and facilities through sustainable transport. However, the development would fail to achieve a well-designed place under section 12 of the Framework. Under

paragraph 130 of the Framework, it would not be visually attractive by reason of poor architecture, layout and inappropriate and ineffective landscaping, and would not result in a high standard of amenity for future users. The boost to housing supply would be small as an overall proportion and good design is a key aspect of sustainable development. In promoting the effective use of land, paragraph 119 of the Framework requires safeguarding and improving the environment and ensuring safe and healthy living conditions. The development would fail to achieve this later requirement.

19. For all these reasons, 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. The presumption in favour of the sustainable development would not apply.
20. The wording of LP Policy BAS BE12 lacks a positive and creative approach to assessing proposals and a clear design vision and expectations when compared to the Framework. Nevertheless, it still requires the achievement of well-designed places, with its reference to character and streetscene, and taking all matters into account, significant weight is given to the identified policy conflict.
21. The conflicts of the proposal with emerging Policy DES4 of the RPLP can only be given limited weight because of its stage of plan preparation and lack of information regarding unresolved objections to the policy. In terms of plan preparation, the plan has been at Examination in Public where further consultation on additional modifications has taken place.

Planning balance

22. The proposal would boost housing supply in a location with excellent accessibility to facilities and services through sustainable transport. However, the harm with the character and appearance of the area would be significant and in conflict with LP policy. As a result, there would be conflict with the development plan taken as a whole.
23. There would be harm to the living conditions of the occupiers of the proposed development because of unacceptable amenity space provision in conflict with the Framework. There would be no presumption in favour of sustainable development. Accordingly, there would be 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.
24. 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.

Conclusion

25. For the reasons given above and having regard to all other matters raised, this appeal is dismissed.

Jonathon Parsons

INSPECTOR