



Appeal Decision

Site visit made on 13 March 2022

by J E Jolly BA (Hons) MA MSc MCIH MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th March 2022

Appeal Ref: APP/V1505/W/21/3281791

93 Pound Lane, Bowers Gifford, Basildon SS13 2HN

- 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 Mark Lloyd (Essex Development & Construction Ltd) against the decision of Basildon District Council.
 - The application Ref 21/00070/FULL, dated 14 January 2021, was refused by notice dated 22 July 2021.
 - The development proposed is to demolish an existing bungalow, replace with 2 new 4-bedroom detached houses with garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Government published a revised National Planning Policy Framework (the Framework) in July 2021. All references to the Framework in this decision relate to the updated document.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is located in an established residential area where the immediate built form is characterised by chalet-type bungalows, other than a two-storey mixed use development with flats above that is seen to the north of No 93 Pound Lane.
5. The proposal is to demolish the existing bungalow on the appeal site and to construct two, 4-bedroomed houses with integral garages in similar materials to the surrounding properties. I noticed at my site visit that the existing bungalow has already been demolished.
6. The proposal would be located in an established residential area, which includes the older-type flats and shops to the north of No 93. Therefore, the principle of development on the appeal site is accepted. However, I have limited details of the neighbouring development and cannot be certain if it was considered under the same development plan to the proposal before me or not. Therefore, I have considered the proposal on its own planning merits.

7. As such, while the submitted drawings show that the proposal would be set back from the front boundary and is possible on the existing plot available, the fact remains that the proposal is for a pair of two-storey houses with projecting side gables that would be of some considerable scale and mass in comparison to other residential development in the wider street-scene. Therefore, notwithstanding that some of the neighbouring dwellings have dormer type extensions, the proposal would be at odds with the surrounding built environment which is characterised by modest, low-rise chalet-type bungalows on proportionate plots.
8. Moreover, the proposed development would extend across the width of the existing single-dwelling plot and include an integral garage. As such, in my view the bulky proposal would be highly prominent and appear constrained within the relatively limited space available.
9. For that reason, I conclude that the proposal would be incongruous with the prevailing street-scene and result in a visually cramped development.
10. Consequently, the proposal is contrary to Policies BAS BE12 and BAS BE15 of the Basildon District Local Plan Saved Policies document (2007), Policy DES2 of the Basildon Borough Local Plan 2018, and Paragraph 130 (c) of the Framework (2021) which is clear that development should be sympathetic to local character and history, including the surrounding built environment and landscape setting.

Other Matters

11. The appeal site is located within the zone of influence for the Thames Estuary and Marshes Special Protection Area and Ramsar (SPA), and is therefore, subject to the Habitat Regulations which protect the SPA. If I had come to a different conclusion, it would have been necessary for me as a competent authority to undertake an 'Appropriate Assessment' and the likely effectiveness of any mitigation measures set out in the Essex Coast RAMS, including the certainty of an agreed S106 agreement being forthcoming. However, as I have found against the appellant on the main issue, and therefore planning permission is to be refused, this matter need not be considered any further in this case.
12. Although the main parties agree that the Council cannot demonstrate a five-year housing land supply, and as such, Paragraph 11(d) of the Framework is engaged, in this case, I find the adverse impacts of the proposal significantly and demonstrably outweigh the benefits, which include the provision of two 4 bedroom dwellings.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed.

J E JOLLY

INSPECTOR