
Appeal Decisions

Site visit made on 20 April 2022

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2022

Appeal A Ref: APP/V1505/D/21/3289900

1 Brook Cottage, Laindon Common Road, Billericay CM12 9TA

- 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 James Slocombe against the decision of Basildon Borough Council.
 - The application Ref 21/01264/FULL, dated 15 August 2021, was refused by notice dated 8 October 2021.
 - The development proposed is reconstruction of former outhouse.
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Appeal B Ref: APP/V1505/D/21/3281573

1 Brook Cottage, Laindon Common Road, Billericay CM12 9TA

- 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 James Slocombe against the decision of Basildon Borough Council.
 - The application Ref 21/00853/FULL, dated 22 May 2021, was refused by notice dated 27 July 2021.
 - The development proposed is reconstruction of former outhouse.
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Decision

1. Appeal A is allowed and planning permission is granted for reconstruction of former outhouse at 1 Brook Cottage, Billericay, CM12 9TA in accordance with the terms of the application, Ref 21/01264/FULL, dated 15 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 129-02 Rev E.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.
2. Appeal B is allowed and planning permission is granted for reconstruction of former outhouse at 1 Brook Cottage, Billericay, CM12 9TA in accordance with the terms of the application, Ref 21/00853/FULL, dated 22 May 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 129-02 Rev D.

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those of the existing building.

Preliminary Matters

3. As set out above there are two appeals on this site. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together. The evidence before me demonstrates that the main difference between the two schemes is that the Appeal A proposal includes timber framed windows as opposed to the uPVC windows proposed under the Appeal B proposals. A more detailed heritage statement was also submitted with the Appeal A planning application.
4. Reference is made in the Council's officer reports to the emerging Basildon Borough Local Plan 2014-2034. However, the reasons for refusal do not include reference to any emerging policies and I have not been provided with copies of any such policies. As such, I have not identified any conflict with the emerging plan.

Main Issue

5. The main issue in respect of both Appeal A and Appeal B is the effect of the proposed development on the significance of the non-designated heritage asset and whether the development would preserve or enhance the character and appearance of the Little Burstead Conservation Area (the CA).

Reasons

Non-designated heritage asset

6. It is common ground between the main parties that the host property is a non-designated heritage asset. 1 Brook Cottage is one of what were once three identical pairs of cottages which fronted Laindon Common Road. Whilst it has been converted into a single dwelling at some point, it is the least altered of the three buildings. The building primarily derives its significance from its original historic appearance within the street scene. Indeed, the Conservation Area Appraisal¹ (Page 31) identifies 1 Brook Cottage (excluding the outbuilding to the rear) as a building of townscape value.
7. The proposed developments both include the reconstruction of the existing outbuilding to include a pitched roof with a rear facing gable and a greater proliferation of fenestration. The Appeal A scheme includes timber windows whilst the Appeal B scheme includes uPVC windows. The proposed development would result in a more modern appearance but would largely retain the footprint and subservience of the existing outbuilding. Although much of the outbuilding appears to be original, the evidence before me indicates that it has been extended over time.
8. Whilst of a traditional appearance, the existing outbuilding makes no noteworthy contribution to the significance of the non-designated heritage asset, given that the host property's significance is primarily derived from its appearance within the townscape. Furthermore, the alterations proposed, whilst including re-orientation of the outbuilding and increased fenestration,

¹ Little Burstead Conservation Area Appraisal November 2011

would be sufficiently sympathetic to the appearance of the host property and the original outbuilding, particularly in terms of their scale and layout. The use of uPVC as proposed under the Appeal B scheme would also be in keeping with the existing appearance of fenestration on the host property and would not be visible within the street scene. Furthermore, the proposed development would not result in the loss of the outbuilding and it would still largely retain its appearance in terms of scale and massing. Taking these factors into consideration, the developments proposed under Appeal A and Appeal B would not be harmful to the significance of the non-designated heritage asset.

9. As such, the proposed developments would not conflict with Saved Local Plan² Policy BAS BE12, which requires in part that development does not lead to harm to the character of the surrounding area, including the street scene.
10. Framework Paragraph 203 states in part that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset. Given that the proposals would not lead to any harm to the significance of the heritage asset they would both comply with the provisions of Paragraph 203.

Conservation Area

11. The appeal site is also located within the Little Burstead CA. Under section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I am obliged to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. Furthermore, Framework Paragraph 199 states that great weight should be given to the asset's conservation.
12. The CA primarily includes the buildings located on Laindon Common Road and Clock House Road. The CA excludes the more modern development located at Broomhill Chase to the south of the village.
13. The CA primarily derives its significance from its varied, rural and verdant character. This character is established partly through the variety of different building forms which make up this part of the village, including large grand houses, smaller cottages and agricultural buildings which are largely orientated in a linear manner and typically include attractive architectural styles. The Conservation Area Character Appraisal makes a point of identifying the contrast between the small cottages which are prevalent along Laindon Common Road (where the appeal site is located) and the larger grander properties located at Western Green, further west. Given the above, I find that the significance of the CA, insofar as it relates to these appeals, is primarily associated with the appearance and character of the variety of buildings as they appear within the street scene.
14. The part of the host property to be re-constructed is not currently visible within the street scene. This is because it is tucked in at the rear of the host property and therefore visually screened from the road. Indeed, it is notable that whilst the Conservation Area Appraisal (Page 31) identifies 1 Brook Cottages as a building of townscape value, it excludes the outbuilding to the rear. I consider that the outbuilding (which is attached to the host property) does not make any contribution to the significance of the CA, given that this significance is

² Basildon District Local Plan Saved Policies September 2007

primarily derived from the appearance of buildings within the street scene or 'townscape' as described in the CA Appraisal. Indeed, Framework Paragraph 207 states in part that not all elements of a CA will contribute to its significance. For the same reasons, the use of uPVC windows as proposed under Appeal B, would preserve the character and appearance of the CA in this instance.

15. As such, the developments proposed under Appeal A and Appeal B would both preserve the character and appearance of the CA and there would be no harm to the CA in this regard. As a result, the proposed developments would not conflict with Saved Local Plan Policy BAS BE12, which requires in part that development does not harm the character of the surrounding area, including the street scene.
16. Given that the proposed developments would preserve the character and appearance of the CA they would both comply with the relevant provisions of the Framework, including Section 16 on conserving and enhancing the historic environment.

Conditions

17. I have imposed the same conditions (with the exception of plan reference numbers) in relation to both Appeal A and Appeal B.
18. Condition 2, listing the approved plans, is necessary in the interest of certainty.
19. Condition 3, requiring matching materials, is necessary in order to ensure that the development is in keeping with the character and appearance of the surrounding area, including the conservation area.
20. In relation to Appeal B the Council recommended a condition restricting the use of uPVC window frames. However, this condition is not necessary given that I have found the use of these materials to be acceptable.
21. These conditions accord with the advice contained in the Planning Practice Guidance (PPG).

Conclusion

22. The developments proposed under Appeal A and Appeal B both comply with the development plan taken as a whole. There are no other material considerations which indicate a decision other than in accordance with the development plan. As such, both appeals are allowed, subject to conditions.

Luke Simpson

INSPECTOR