
Appeal Decision

Site visit made on 20 April 2020

by Luke Simpson BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/V1505/W/21/3279570

St Elmo, Dunton Road, Laindon SS15 4BX

- 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 Rukesh Patel against the decision of Basildon Borough Council.
 - The application Ref 20/01603/FULL, dated 13 December 2020, was refused by notice dated 5 February 2021.
 - The development proposed is described as 'demolish the above chalet property and to replace it with a two-storey house with accommodation in the roof.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The main parties have had opportunity to comment on the revised National Planning Policy Framework 2021 (the Framework) and I have had regard to it in this decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal site and surrounding area.

Reasons

4. St Elmo is a detached 1.5 storey chalet style building, which has a relatively traditional appearance. The existing building fills most of the width of the plot and its maximum height (when viewed from the highway) appears to be similar to the adjacent properties either side. This part of Dunton Road is predominantly characterised by large, detached properties orientated in a linear manner, with a fairly consistent front building line. There is quite a lot of variation in architectural appearance, with different scales, designs and materials used. However, most properties have uncomplicated and traditional appearances which assimilate well with the wider prevailing character.
5. The height of the proposed dwelling would be similar to the detached properties adjacent and the width would be similar to the existing property being replaced. Indeed, the proposed development would be of a similar scale to other detached dwellings on this part of Dunton Road. However, the massing of the proposed development would jar with surrounding properties, with the first floor extending across the majority of the plot and the proposed roof forms creating three prominent aspects which, collectively, would dominate the street scene. There would be little subtlety or subservience in this regard. In

comparison, most of the surrounding properties (including the larger dwellings on this part of Dunton Road) have a more relaxed and stepped massing, such that they are not so dominant when perceived within the street scene. Indeed, they may have some prominent elements visible within the street scene, but these are typically counter-balanced with less prominent elements.

6. The proposed dwelling would be one of the largest properties on this part of Dunton Road and that would increase the prominence of its design, particularly when perceived within the street scene. Whilst I acknowledge that there is variation in architectural style, scale and materials on this part of Dunton Road, the prominence of the proposed development would mean that the more contemporary fenestration proposed within the central projecting element would jar significantly with the more traditional appearance of neighbouring dwellings.
7. In summary, the height and width of the proposed development are not unduly harmful in isolation. However, these aspects of the proposal give rise to an increased prominence which exacerbates the harmful aspects of the appearance. In this case, the massing and the more contemporary architectural style of the dwelling would jar with the character of development on this part of Dunton Road. As such, the proposed development would not be in keeping with the character of the surrounding area and it would therefore conflict with Saved Local Plan¹ 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.
8. The proposed development would also conflict with Framework Paragraph 130, which states in part that development should be sympathetic to local character.

Other matters

9. The appellant suggests that the Council did not undertake a site visit. However, this has no bearing on my decision which is based in part on my own observations made during a site visit. In addition, the absence of neighbouring objections does not negate the harm which would be caused by the proposed development. In any case, there have been concerns raised by a neighbouring resident in relation to the proposed development (through the appeal process) but given that I am dismissing the appeal it is not necessary for me to consider the other matters raised.

Conclusion

10. The proposed development would conflict with the development plan taken as a whole and there are no other matters raised which indicate that a decision should be taken other than in accordance with it. As such, the appeal is dismissed.

Luke Simpson

INSPECTOR

¹ Basildon District Local Plan Saved Policies September 2007