



Appeal Decision

Site visit made on 11 August 2022

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2022

Appeal Ref: APP/V1505/W/22/3291516

8 Ozonia Way, Wickford SS12 0PG

- 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 Richie Brown against the decision of Basildon Borough Council.
 - The application Ref 21/00990/FULL, dated 18 June 2021, was refused by notice dated 18 November 2021.
 - The development proposed is the construction of a new dwelling, landscaping, gardens and parking and use of existing access.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The postcode used in the address is taken from the appeal form and Council's decision notice. I'm satisfied that the postcode SS12 0PG is correct for the appeal site over that used on the application form SS12 0PH.

Main Issue

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

Reasons

4. Ozonia Way is characterised by predominantly detached and semi-detached properties set back from the road by well-sized gardens and driveways. Whilst most dwellings have seen some minor alteration or extension this does not alter the consistent building lines together with coherent design features and materials which provide a pleasant character and uniformity to the area. I saw how properties on the end of rows are broken up by gaps between them and the street, which provide some visual relief to an otherwise relatively dense suburban area.
5. The scale and overall appearance of the proposed dwelling would not be out of keeping with other buildings nearby which are of a similar form, design and external materials. However, while it would be orientated and accessed from the same section of road on Ozonia Way as No 8, the built form would extend across much of the width of the site and given the limited width of the plot combined with the scale of development proposed, I consider that the proposed dwelling would appear cramped and overly dominant. This position also results in the flank wall projecting past the front elevation of No6 Ozonia Way. As a result of its location sitting forward of the existing front elevation of No6, the

introduction of the dwelling would appear as an incongruous addition within the streetscene, particularly when viewed from the junction of Ozonia Avenue. Although I noticed No 6 had a forward projection from the building line of No 4 its still retains a significant distance back from the street unlike the proposal before me which would sit considerably closer to the street.

6. Moreover, the dwelling would result in an unwelcome and awkward intrusion of built form into the undeveloped buffer on this section of Ozonia Way, and a significant erosion of the existing openness which contributes positively to the character and appearance of the area.
7. The planting area and the retained area of green space would offer little mitigation for the loss of the openness on this section of the street. I note that a boundary enclosure could be erected however, the introduction of a new dwelling in this location would have a considerably greater impact on openness given its size and position close to the street when compared to a boundary fence.
8. My attention has been drawn to other infill developments in the area. While those schemes similarly infilled sites nearby, I do not have full details of these schemes, or their planning history, before me. In any case, the examples before me sit well within the setting and do not appear cramped or disturb the existing streetscene. Therefore, these existing developments are materially different to the appeal proposal.
9. I, therefore, conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposed development is contrary to saved policy BAS BE12 of the Basildon District Local Plan 2007 (LP) which, among other things, requires that development does not result in harm to the character of the area including the streetscene. Furthermore, the proposal also conflicts with paragraph 130 of the National Planning Policy Framework (the framework) which requires development to respect existing character.

Planning balance

10. Paragraph 11 of the Framework explains how the presumption in favour of sustainable development applies. As the Council cannot demonstrate a 5-year supply of housing land, in line with paragraph 11d) of the Framework, planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.
11. Whilst the Framework refers to significantly boosting the supply of housing, the net increase of an additional 3-bed unit for which there is demand, even if this was self-build, would only make a small difference. In respect of economic benefits, I acknowledge that future residents of the development would make use of local shops and services. However, as the scheme is for one dwelling, the impact of this additional spend in the local economy would be limited. The scheme would also result in direct and indirect employment and create a demand for building supplies during the construction phase. Due to the short-term nature of these benefits, I give them only limited weight.
12. I also accept there would be some, albeit limited benefit from the introduction of bird boxes, electric vehicle charging points and the use of renewable energy.

However, in terms of adverse impacts, I have found that the appeal scheme would cause significant harm to the character and appearance of the area. It would therefore conflict with Paragraph 130 of the Framework which, amongst other things, requires development to be visually attractive as a result of good layout and be sympathetic to local character.

13. I consider that the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework when taken as a whole. Therefore the presumption in favour of sustainable development does not apply.

Other Matters

14. The Council indicates that a financial contribution would be required to mitigate the effect of recreational pressure arising from the development on Special Protection Areas and Ramsar sites. However, given the harm identified above and that I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter further.

Conclusion

15. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations of sufficient weight, including the approach set out at Framework Paragraph 11, which indicate a decision other than in accordance with the development plan. The appeal is therefore dismissed.

A Hickey

INSPECTOR