



Appeal Decision

Site visit made on 14 September 2022

by A Price BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 October 2022

Appeal Ref: APP/V1505/W/22/3290908

4 Well Mead, Billericay CM12 9RG

- 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 Paradise of Well Mead Ltd against the decision of Basildon Borough Council.
 - The application Ref 21/00033/FULL, dated 4 January 2021, was refused by notice dated 15 November 2021.
 - The development proposed is described on the application form as the 'extension and conversion of existing semi-detached house to 4 No. one bedroom flats, with on-site parking and amenity area'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's emerging Local Plan has been withdrawn from examination. Its policies therefore attract no weight in the determination of this appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the site and surrounding area; and
 - whether an appropriate standard of accommodation would be provided for future occupiers, with particular regard to internal space standards and external amenity space.

Reasons

Character and Appearance

4. The appeal site comprises a corner plot occupied by a semi-detached property, garage and garden area. The site is enclosed by a low brick wall to the front, together with mature landscaping, including hedging. Due to their position relative to adjacent roads, and located on a bend within Well Mead, the appeal site and adjoining property are reasonably prominent within the street scene.
5. Properties surrounding the site are generally of a similar period, scale and appearance. However, a mix of semi-detached and terraced properties exist, together with some modern and altered properties interspersing more historic development within the wider area.

6. Despite the reasonably high number of properties that surround the appeal site, it is positioned within a particularly verdant area. Vegetation within the site together with mature trees and large grass verges within the public realm contribute to this and act to soften the street scene.
7. The new two-storey extension's building line and roof ridge level would closely align with the host property and No 2, with the use of matching materials. Notwithstanding that the proposed development would generally reflect the design of Nos 2 and 4, the two-storey extension would be large, significantly and disproportionately increasing the size of the existing property. It would be positioned within an open part of the site, resulting in the loss of an open gap in this part of Well Mead, which contributes to its open and verdant nature.
8. Furthermore, the scheme would intensify the urban built form here and would disrupt the balance and rhythm of the pair of semi-detached properties, appearing cramped in its plot. Consequently, it would appear incongruous in the street scene.
9. The proposed car parking area to the front of the site would be highly prominent. Notwithstanding that tree planting and shrubs would be retained where possible, the proposed development would result in the removal of soft landscaping, including the replacement of existing hedges with close boarded fencing. The existing landscaping contributes to the open and verdant nature of the site mentioned above, and currently forms a pleasant approach along Well Mead. Although limited detail has been provided in respect of the size and appearance of the replacement fencing, this would, in all likelihood, be incongruous and highly prominent here, interrupting the open and verdant nature of the site, and in turn harming the character and appearance of the street scene. I note that some other properties within the wider area feature fencing within their front and rear gardens. However, these are typically balanced with soft landscaping or are positioned in less prominent positions than the appeal site.
10. I conclude that the proposed development would appear cramped and incongruous in the street scene, forming a disproportionate addition to the existing dwelling. It would harm the character and appearance of the surrounding area, contrary to the relevant provisions of Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007), which in summary seeks to avoid harm to the character of the surrounding area, including the street scene.

Standard of Accommodation

11. I note that within its officer report the Council considers the proposed development to fall below the Nationally Described Space Standard (NDSS). However, there is no reference to the NDSS or internal space standards more generally within any policy or guidance that is before me. Whilst I have taken this aspect into consideration, I have afforded it only limited weight. Based on the submitted plans, the proposed development would appear to provide an acceptable standard of accommodation for future occupants, with reasonable layouts and dual aspect flats with satisfactory outlook.
12. In respect of private amenity space, the Council states that approximately 127sqm of shared garden is proposed, providing in excess of 25sqm of garden space per flat. As above, external amenity space requirements are not

documented within any policy or guidance that is before me and as such there is some uncertainty as to the basis for applying this standard. I note that access to the garden area would rely on the occupants of the upper floor dwellings to need to journey downstairs to access the space. I acknowledge that this is not overly convenient. Nevertheless, the opportunity for outside space is inherently limited and the area proposed would assimilate to an acceptable standard comparable with established gardens in the surrounding area. Consequently, I find the standard of accommodation in respect of internal and outdoor amenity to be acceptable.

13. In conclusion, the proposed development would provide an appropriate standard of accommodation for future occupiers, compliant with the objectives of paragraph 130 of the Framework, which amongst other things seeks to promote the creation of developments with a high standard of amenity for existing and future residents. There are no relevant development plan policies before me which conflict with this objective.

Other Matters

14. The submitted evidence indicates that the Council cannot demonstrate a five-year housing land supply. As such, and noting the Government's objective of significantly boosting the supply of homes, in the circumstances of this appeal the provisions of Framework paragraph 11.d are engaged. This sets out that where the policies which are most important for determining the application are out of date, permission should be granted unless (i) the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed, or (ii) any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
15. Following assessment, there are no policies in the Framework relevant to the site which protect areas or assets of particular importance, and which provide a clear reason for refusal. As such, it is necessary to apply Framework paragraph 11.d(ii).
16. The proposed development would represent a contribution of three additional dwellings to housing supply in an area with an acknowledged lack of future provision. There, too, would be some other social and economic benefits of the proposed development, including in supporting employment during construction and the bringing of trade to nearby services and facilities. I note that the site is also located in an accessible position near to various local services, facilities and employment and that accessible accommodation would be provided within the ground floor units. However, these benefits and the contribution to housing supply in the district would inevitably be limited given the limited scale and nature of the development proposed. Accordingly, and given the significant harm I have identified above, the adverse effects of granting permission would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole. In this case, the Framework does not indicate a decision other than accordance with the development plan.
17. I have carefully considered the comments made by the appellant in respect of discussions and negotiations with the Council, the provision of alternative layouts, delays in the planning application process, the compliance of the

proposed development with other planning policy objectives, building regulations and highways requirements, as well as the provision of a mix of dwellings in the area. I also note the comments in respect of the sustainable location of the site, the lack of harm to living conditions of neighbouring occupiers, the fact that the site would be partly screened by existing trees, the provision of adequate bin and cycle stores, the sustainable use of materials and the energy efficiency of the development. Nevertheless, none of these matters, nor the benefits associated with the scheme, change my conclusion on the main issue or outweigh the harm I have identified and the conflict with the development plan.

18. My attention is drawn to several similar developments in the surrounding area, including some that the appellant has carried out. However, I have limited details of those to draw any meaningful comparisons with the appeal scheme and, in any event, each proposal should be considered on the basis of its individual merits. I have reasoned above why I have identified harm based on the proposals before me and my observations on site. Ultimately, the existence of those other properties and developments does not lead me to change my conclusion in respect of the appeal site.
19. The appeal site falls within the Zone of Influence for the Essex Coastal Recreation Avoidance and Mitigation Strategy. Habitats Regulation 63(1) states that 'a competent authority, before deciding to...give any consent [or] permission...must make an appropriate assessment of the implications of the plan or project for that site'. Given my reasoning in respect of the main issue and that the appeal is being dismissed, there is no requirement upon me in that regard. Even were I to find that the proposal was acceptable in this respect, it would be neutral in my determination of the case.

Conclusion

20. I have not found harm related to the living conditions of future occupiers. However, I have identified harm to the character and appearance of the area and conflict with the development plan taken as a whole. This is the prevailing consideration. Consequently, I conclude that the appeal should be dismissed.

A Price

INSPECTOR