



Appeal Decision

Site visit made on 17 August 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal Ref: APP/V1505/D/23/3320532

2 Barnard Close, Basildon, SS16 4SH

- 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 and Mrs Matthew Gilbert against the decision of Basildon Borough Council.
 - The application Ref 23/00069/FULL, dated 17 January 2023, was refused by notice dated 11 April 2023.
 - The development proposed is insertion of additional window to front elevation at first floor level, insertion of non-opening obscure glazed window in gable on side elevation and attachment of air conditioning unit on side elevation in revised position (part retrospective amended proposals)
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The application form described the proposed development as "Insertion of additional window to front elevation at first floor level and side elevation in gable. Attachment of air conditioning unit to gable on side elevation". The council changed this to the description used in the heading above. I have adopted this as it more fully identifies the development proposed.
3. The application form submitted to the council identified the applicants as Mr and Mrs Matthew Goddard, whilst the officer's report and the decision notice identified the surname as Gilbert, as used in the banner heading above. The appellants' agent has confirmed that the name on the application form was incorrect, and that the names of the applicants and the appellants are in fact as shown above.

Main Issue

4. The main issue in this case is the effect of the air conditioning unit on the host dwelling, the street scene and character of the surrounding area.

Reasons

5. The appeal dwelling is a recently extended semi-detached two storey house located on the south side of Barnard Close, on an outside bend in the road adjacent to Glenmere, within an established residential area that comprises mainly terraced and some semi-detached houses. The application property is

- surrounded on three sides by pedestrian footpaths with no direct vehicular access to the highway.
6. Although the planning application included other elements of development, it is only the air conditioning unit that is controversial. This unit is attached high up in the gable wall of the extended dwelling, and is visible in long views from the adjacent cul-de-sac Glenmere, which is separated from Barnard Close by a glassed area with footpath connections. In fact, the appeal site effectively fronts a footpath that links the 2 streets, rather than fronting directly onto Barnard Close.
 7. The air conditioning unit is not seen from Barnard Close, but is clearly in view along the adjacent part of Glenmere, the properties that flank it and the footpath links. The unit is highly conspicuous and its siting bears little relationship with the other elements of the gable. As such, it appears an intrusive and incongruous feature. No explanation is given of the reason for this siting, and it would appear that its utility could be achieved by a less obtrusive position.
 8. For the appellant, attention is drawn to development that can be carried out without express planning permission under the General Permitted Development Order (GPDO), such as satellite dishes. Reference is also made to an air conditioning unit, facing the public highway and residential properties, that has been given planning permission by the council.
 9. The GDPO strikes a balance between developments that are relatively modest, freeing people from the need for express permission, and the need to retain control in the public interest. Since air conditioning units are not included in the GDPO, it is necessary to make a judgement about their acceptability in any given situation. As to the planning permission for an air conditioning unit elsewhere, I have no other information than that it is fixed to a commercial building, and therefore the considerations will no doubt have been somewhat different, and each application must be determined on its own merits.
 10. As indicated in paragraph 7 above, the appeal air conditioning unit is highly conspicuous and poorly relates to the gable. It appears an intrusive and incongruous feature that is harmful to the appearance of the house to which it is attached, the street scene and character of the surrounding area. Therefore the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR