



Appeal Decision

Site visit made on 20 August 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 September 2023

Appeal Ref: APP/V1505/W/22/3308132

Squire House, 81-87 High Street, Billericay, Essex CM12 9AS

- 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 Squire Klara Limited against the decision of Basildon Borough Council.
 - The application Ref 22/00350/FULL dated 04 March 2022 was refused by notice dated 01 August 2022.
 - The proposed development is to construct one additional storey to building to create 3no. additional residential dwellings (Use Class C3).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of one additional storey to building to create 3no. additional residential dwellings (Use Class C3) at Squire House, 81-87 High Street, Billericay, Essex CM12 9AS in accordance with the terms of the application, Ref 22/00350/FULL dated 04 March 2022, and the plans submitted with it and subject to the conditions set out in the attached schedule.

Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.
3. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

4. The main issues in this appeal are the effect of the proposed development on (i) the Billericay Conservation Area and nearby Listed Buildings; and (ii) the Special Protected Areas (SPAs).

Reasons

Conservation Area & Listed Buildings

5. The appeal site is a three-storey building located on Billericay High Street. The front of the building is partly staggered with projecting and recessed dormers within the front roofscape.
6. The appeal site is in the centre of the Billericay Conservation Area with Listed Buildings within the immediate area. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. A similar duty exists in relation to having regard to the character and appearance of a Conservation Area under Section 72(1) of the LBCA Act.
7. The Conservation Area in the vicinity of the appeal site is characterised by building of two and three storeys in height. The long High Street is lined mostly with shops and commercial premises, close together without significant gaps. I observed during my site visit that within the immediate area of the appeal site the overall appearance is a variety of roof designs however whilst there is a difference in height these appear modest, creating a uniform pattern of development.
8. The Billericay Conservation Area Management Plan (2011) (the Management Plan) states that reference should be made to the local architectural tradition by way of materials and detailing.
9. The proposed extension would add mass to the existing property; however, due to the setback design and limited public views the proposed development would not be obvious in the streetscene when viewed from the High Street. From the rear the proposed development would be evident.
10. Paragraph 199 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm. Any harm to the significance of a designated heritage asset should require clear and convincing justification based on Framework paragraph 200.
11. Place Services who offer heritage advice to the Council advise that the Management Plan states that the tradition in Billericay is that buildings are generally between two and three storeys in height and new buildings should follow this pattern. The appeal site is a three-storey building and the addition of another storey would be out of character with much of the conservation area, and out of scale with its surroundings. I do not disagree.
12. Adjacent the appeal site is a grade II listed building, comprising an 18th century timber-framed and plastered house, 75-79 High Street. The increase in height of the appeal site would be disproportionate to the adjacent relatively small-scale listed building. I also note the Billericay Conservation Area Appraisal (2011) that there are buildings of townscape value to the rear.
13. Place Services confirm that the proposed development would not harm other nearby listed buildings. I have no substantive evidence before me to disagree.
14. I find that the proposed development would lead to less than substantial harm to the significance of the Conservation Area and to the grade II listed building 75-79 High Street.

15. I conclude that the proposed development would fail to preserve or enhance the Billericay Conservation Area. There is conflict with Policy BAS BE12 of the Basildon District, Local Plan Saved Policies (2007) which amongst other things seeks to ensure developments do not harm the character of an area.
16. Whilst it is noted that Place Services consider that the proposed development would cause a 'low level' of less than substantial harm, nonetheless this is still less than substantial harm and as such paragraph 202 of the Framework states that where a development leads to less than substantial harm to the significance of a heritage asset this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
17. The Appellant has brought to my attention that the Council cannot demonstrate a deliverable five-year housing supply as required by Paragraph 74 of the Framework. This has been confirmed by the Council as a 1.85 year housing land supply.
18. Under such circumstances, Paragraph 11 of the Framework states that permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits when considered against the policies in the Framework taken as a whole.
19. The proposal would result in benefits in terms of providing much needed additional residential accommodation, which could be delivered quickly, in a sustainable location. Whilst the provision of three residential units is modest, given the woeful housing land supply confirmed by the Council, I give this small contribution significant weight.
20. The proposal would also have economic benefits through the creation of employment opportunities during the construction phase of the development and spending in the local area by future occupiers.
21. I find that collectively these public benefits attract weight in favour of the proposal which would outweigh the harm caused by the proposed development.
22. I find no conflict with the Framework, which seeks to ensure good design of developments, protects the historic environment, and seeks to ensure an adequate supply of residential units are provided.

SPAs

23. The site falls within the Zone of influence for the Essex Coastal Recreation Avoidance and Mitigation Strategy (RAMS). I understand that new residential development within this area is likely to have a significant effect on the features of interest of these sites through increased recreational pressure.
24. In this case a financial contribution to assist in funding 'off site' mitigation measures in and around the designated site is considered by the Council to be appropriate. The Council have confirmed that a contribution of £470.28 would be required (3 x £156.76).
25. A completed Unilateral Undertaking has been provided by the Appellant securing the required contribution. On this basis I conclude that the proposed development would not harm the SPAs.

Other Matters

26. Third Party representation has been submitted raising concerns including overlooking, blocking light and over development. The Council have not raised concern relating to these issues and from the information before me I do not disagree.

Conclusion and Conditions

27. For the above reasons I conclude that this appeal should be allowed.
28. I have undertaken some minor editing and rationalisation of the conditions proposed by the Council in the interests of precision and clarity. I have attached the standard time limit condition, a plans condition and external materials condition as this provides certainty.
29. In the interest of the accessing sustainable transport, I have imposed conditions relating to cycle parking and Residential Travel Information Pack.
30. The Council have recommended a condition requiring noise mitigation measures identified in the submitted Noise Impact Assessment Technical Note by Venta Acoustics 7th April 2022. However, this assessment confirms that the predicted sound levels on the balconies is below the upper limit of 55dB recommended in the guidance for external amenity areas. No mitigation is proposed therefore the condition is unnecessary.

C Pipe

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
- 2) The development hereby permitted shall be carried out only in accordance with the approved drawing(s) no: 114_PL1_S_00 Rev A (Location plan); 114_PL3_GA_00 Rev A (Proposed Ground Floor Plan); 114_PL3_GA_02 Rev A (proposed First Floor Plan); 114_PL3_GA_02 Rev A (Proposed Second Floor Plan); 114_PL3_GA_03 Rev C (Proposed Third Floor Plan); 114_PL3_GE_01 Rev C (Proposed Front Elevation); 114_PL3_GE_02 Rev C (Proposed Rear Elevation); 114_PL3_GE_10 Rev D (Proposed Elevations); 114_PL3_GE_11 Rev C (Proposed Elevation); 114_PL3_GE_03 Rev C (Proposed Side Elevation); 114_PL3_GS_01 Rev B (Proposed Section AA); 114_PL3_GS_10 Rev B (Proposed Section AA & BB); 114_PL3_GS_02 Rev B (Proposed Section BB); 114_PL3_GS_03 Rev B (Proposed Section CC); 114_PL3_GS_04 Rev B (Proposed Section DD); and 114_PL3_GS_11 Rev B (Proposed Section CC & DD).
- 3) The development shall be carried out in accordance with the exterior material details provided within the application.
- 4) Cycle parking shall be provided in accordance with the EPOA Parking Standards (1 cycle space per dwelling). The approved facility shall be secure, convenient, covered and provided prior to occupation and retained at all times.
- 5) Prior to first occupation of the proposed development, the Developer shall be responsible for the provision, implementation and distribution of a Residential Travel Information Pack for sustainable transport, approved by Essex County Council, to include six one day travel vouchers for use with the relevant local public transport operator. These packs (including tickets) shall be provided by the Developer to each dwelling free of charge.