



Appeal Decision

Site visit made on 11 June 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 26th June 2024

Appeal Ref: App/V1505/D/24/3337764

6 Cumberland Drive, Laindon, SS15 6QS

- 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 Thoufael Miah against the decision of Basildon Borough Council.
 - The application Ref 23/01354/FULL, dated 1 November 2023, was refused by notice dated 11 December 2023.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host dwelling, the linked detached dwellings and the streetscene.

Reasons

3. The appeal property is a two storey, detached house with an attached single garage to the side that links to the neighbouring house at No.8. It is in a row of 5 such houses. They have tiled gabled roofs that face onto the road, with a tiled canopy running across an entrance porch and the garage. The fenestration of each follows the same pattern, although there is some variation in the window colour and subdivision of the frames. The common design of the group provides a unity that greatly assists in their overall pleasant appearance.
4. As paragraph 47 of the National Planning Policy Framework, December 2023¹ (the Framework) reminds us, Planning law requires that applications for planning permission should be determined in accordance with the development plan, unless material considerations indicate otherwise. The starting point therefore is development plan policy as well as the government guidance in the Framework. Policy BAS BE12 of the local plan protects the character and amenity of residential areas and states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area. Additionally, paragraph 131 of the Framework makes clear that the creation of high quality, beautiful and

¹ A revised version following in the same year as that mentioned in the planning officer's report. The changes continue the emphasis on the need for good design.

sustainable buildings and places is fundamental to what the planning and development process should achieve.

5. The appeal proposal would, at ground floor, remove the garage and whilst retaining most of its tiled roof, replace it with accommodation providing a shower room and utility room. There would also be a walkway to the rear of the house under the roof, closed by a personal door, and an additional window alongside the existing window beside the front door. At first floor level the extension would partially close the gap to No.8. It would have a marginal set-back from the existing first floor façade, with a gabled roof, the ridge of which would run at right-angles to the existing roof, at the same height.
6. The first floor element of the proposed extension would be prominent in the streetscene as a result of the relatively large roof and the very slight set back from the existing façade. This element would reduce the first floor gap to the neighbouring house by more than half, from about 2.6m (not dimensioned on the plan) to 1.12m (dimension shown). This reduction in the gap would stand out as a marked incongruity, detracting from the basic unity of the group, to the detriment of their appearance and their contribution to the streetscene. This variation would be exacerbated by the loss of the garage door which is a strong element of the façade at ground floor level.
7. The appellant's case is that the existing small box bedroom at the front of the house, which can accommodate little furniture, could be enlarged to take a double bed, with wardrobe and study space for his daughter. At the same time the existing garage cannot accommodate a car, and better use could be made of the space. It is easy to understand the advantage of the scheme to the appellant's family.
8. The appellant also points out what he sees as inconsistent treatment by the council compared to other permissions that have been given. He points to a majority of houses in the street having development above the garages, as at No.12, No.14 and No.22 that have a room built above their garages, and all the odd number houses from Nos.17 to 45 having rooms above their garages and having less than a 1m gap between the property walls. He also mentions other properties on other roads within the area that have been given permission for what he sees as also justifying the approval of the appeal proposal.
9. I have viewed the examples that he has given. Houses Nos.12, 14 and 22 Cumberland Drive are corner properties and are not part of a row of similarly designed houses. Their variations are seen as being part of a deliberate design. Numbers 17 to 45 do indeed employ a repetitive design, which in my opinion is not as successful as that used in the appellant's row of houses. What I take to be the rooms above garages, to which reference is made, are part of the original design, as is the narrow gap between the individual properties. The design of this run of houses does not assist in supporting the appellant's case that there are inconsistencies in the council's decision making. As for the examples in other roads, I do not find them to be good comparables. In any event, each case must be treated on its individual merits, and if an unfortunate decision is made in one case, it does not justify another.

Conclusions

10. I conclude that the proposed 2 storey extension would appear incongruous in the row of houses of which the appeal dwelling is a part, detracting from the

basic unity of the group to the detriment of their appearance and their contribution to the streetscene. Whilst I appreciate that the proposed development would bring private benefits to the appellant's family, it would bring public harm. This would affect not only the appeal dwelling, but also the character and appearance of neighbours' houses and the streetscene more generally. It would thus be contrary to Policy BAS BE12 and the intentions of the Framework to improve design so as to achieve well-designed and beautiful places. For these reasons the appeal will be dismissed.

Terrence Kemmann-Lane

INSPECTOR