



Appeal Decision

Site visit made on 18 February 2025

by E Grierson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 March 2025

Appeal Ref: APP/V1505/W/24/3350665

47 Southcote Crescent, Fryerns, Basildon, Essex SS14 3PU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Francis Nassab against the decision of Basildon Borough Council.
 - The application Ref is 24/00404/FULL.
 - The development proposed is the change of use of land to provide new driveway and vehicular crossover.
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Decision

1. The appeal is allowed and planning permission is granted for the change of use of land to provide new driveway and vehicular crossover at 47 Southcote Crescent, Fryerns, Basildon, Essex SS14 3PU in accordance with the terms of the application, Ref 24/00404/FULL, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos: 0158-EAG-00-00-DR-V-101 Rev P01 and 0158-EAG-00-00-DR-V-103 Rev P02.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 0158-EAG-00-00-DR-V-103 Rev P02.
 - 4) Prior to first use of the parking area, the vehicular access shall be constructed as shown on drawing number 0158- EAG- 00-00-DR-V-103 Rev P02 and shall be provided with an appropriate dropped kerb vehicular crossing of the footway. This shall be retained thereafter.

Preliminary Matters

2. The description of the proposed development in the banner heading above has been taken from the appeal form rather than the application form as this provides a more concise and accurate description of the development proposed on the submitted plans.
3. A revised National Planning Policy Framework was published on 12 December 2024. Whilst I have had regard to the revised national policy as a material consideration in my decision-making, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain

unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is an area of land to the front of the end of terrace property, 47 Southcote Crescent, which is currently comprised of a footpath and a section of grass covered amenity space. The surrounding area is residential in nature comprising rows of terrace dwellings set back from the road, with driveways to the front of properties commonplace. The row of terrace dwellings in which No.47 is located is set further back from the road than others in the area, with a grass covered amenity area to the front, several trees and footpath access to the dwellings in this row.
6. The proposed driveway, to provide vehicular access from the road to the parking area to the front of No.47, would cut across this amenity area. This area of soft landscaping contributes positively to the character and appearance of this residential area, providing a verdant break in built form. However, the submitted plans indicate that it would be constructed of concrete which grass can grow through. Therefore, whilst it may not be able to be used as amenity space, the proposed driveway would still have the appearance of a green and open space to the front of the property.
7. It is also noted that several other properties at the other end of this row of terrace dwellings benefit from a driveway that cuts across this amenity space. The Council state that these do not benefit from planning permission. However, they still form part of the character of the area and therefore the proposal would not appear incongruous in its setting and the parking and movement of vehicles in this area would not diminish a perceived sense of tranquillity.
8. The Council indicate that approval of the proposed development could lead to further applications for driveways across this and other green spaces. However, any applications would still need to be assessed by the Council accordingly and therefore this would not form a reason to refuse planning permission.
9. Therefore, for the reasons above, the proposed development would not harm the character and appearance of the surrounding area and would not conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007). This policy seeks to ensure that planning permission for the alteration of existing dwellings will be refused if it causes material harm to the character of the surrounding area, including the street scene.

Other Matters

10. Although not included as a reason for refusal, the Council consider that the proposed development would block access to a side gate for the occupiers of the neighbouring property, 45 Southcote Crescent. However, from the submitted plans, I can see a grass verge would remain adjacent to this property and provide sufficient access to the occupiers should they need it.

11. The majority of the development proposed is on land outside of the ownership of the appellant. However, as outlined by the Council, this is not a planning matter and has no impact on my consideration of the appeal proposal.

Conditions

12. In addition to the standard time period for commencement of the development, I have attached a condition requiring the development to accord with the approved plans, as this provides certainty and precision. Furthermore, a condition requiring external facing materials to match those detailed on the relevant plan has been included, to ensure an appropriate appearance for the development. Lastly, in the interests of highway safety, a condition has also been included to ensure that the vehicular access is constructed prior to the use of the parking area and that a dropped kerb vehicular crossing is provided.
13. A condition relating to surface water discharge is not necessary due to the porous nature of the material proposed for the driveway. Furthermore, a condition stating that no unbound material shall be used in the surface treatment of the vehicular access is not necessary as such a material is not proposed.

Conclusion

14. For the reasons given above the appeal is allowed.

E Grierson

INSPECTOR