
Appeal Decision

Site visit made on 21 May 2025 by K Hole BA (Hons)

Decision by Mr A Spencer-Peet BSc(Hons) PGDip.LP Solicitor (Non Practising)

an Inspector appointed by the Secretary of State

Decision date: 11 June 2025

Appeal Ref: APP/V1505/D/25/3362337

10 Feering Drive, Basildon, Essex SS14 1TG

- 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 Mrs Rita Gillbe against the decision of Basildon Borough Council.
 - The application Ref is 24/01448/FULL.
 - The development is for the erection of an outbuilding to the rear of the property.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of an outbuilding to the rear of the property at 10 Feering Drive, Basildon, Essex SS14 1TG in accordance with the terms of the application, Ref 24/01448/FULL, and the plans submitted with it, subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos. Location and Block Plans 963-200, Existing Site Plan 963-201 and Existing Floor Plans and Elevations 963-202.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The appeal evidence confirms that the development has been completed and I was able to see this on my site visit. Therefore, I have considered the appeal on this basis. As I am recommending that the appeal is allowed, I have amended the description of development to remove reference to it being a “retrospective application” as this is not a form of development.

Main Issues

4. The main issues are:
 - The effect of the development on the character and appearance of the host dwelling and surrounding area.
 - The effect of the development on the living conditions of the occupiers of neighbouring and adjacent properties with regards to noise and disturbance, and the effect of the development on the living conditions of the occupiers of the appeal property with regards to loss of garden space.

Reasons for the Recommendation

Character and appearance

5. The appeal property is an end of terrace dwelling within a residential area of Basildon. The development is an outbuilding to the rear garden of the appeal property comprising two bedrooms, a bathroom and storage room to provide independent living space for the appellant's children.
6. The outbuilding is located at the end of the garden and as such, is concealed from public view. It would therefore have no visual impact on the street scene. On my site visit I observed that gardens in the surrounding area including the appeal property are generously sized and separated by low fencing. Many gardens contain outbuildings, sheds or conservatories. However, despite these structures, there is a sense of openness to the area.
7. While the outbuilding occupies much of the width of the garden, it is of a modest height and sits comfortably within the garden without compromising the open feeling of the area. A reasonable distance separates the outbuilding from the host dwelling therefore given this and the above, the outbuilding appears subservient to the host dwelling.
8. The development therefore causes no undue harm to the character and appearance of the host dwelling or the surrounding area and would accord with Policy BAS BE12 of the Basildon District Local Plans Saved Policies (2007) which indicates that planning permission for new development will be refused if, among other things, it causes material harm to the character and appearance of the surrounding area.

Living conditions

9. The garden of the appeal property sits between the gardens of 8 and 12 Feering Drive and adjoins the rear gardens of 35 and 37 The Greensted. The dwellings on The Greensted are some distance from the development due to the length of their gardens, therefore there would be no unacceptable impact on the occupant's living conditions with regards to noise and disturbance. 8 Feering Drive is detached from the appeal property and its dwelling sits some way forward of the host dwelling. 12 Feering Drive is terraced and adjoins the host dwelling.
10. It is likely that there is regular movement between the outbuilding and host dwelling. However, this would likely be no more than what is expected in a residential area and where occupants regularly use their garden space. The development would not therefore lead to an unacceptable increase in noise and disturbance to the occupiers of 8 and 12 Feering Drive.
11. The introduction of the outbuilding has resulted in the loss of some garden space and the Council have indicated that this falls below the minimum garden space required. However, no evidence has been provided to ascertain whether this is a policy requirement or guidance. In any event, I observed that a sizeable lawn and patio area remains which is sufficient to accommodate a property of its size without affecting the living conditions of the occupiers of the appeal property.
12. Consequently, the development accords with Policy BAS BE12 of the Basildon District Local Plans Saved Policies (2007) which indicates that planning permission

for new development will be refused if, among other things, it causes noise and disturbance to the occupants of neighbouring dwellings.

Conditions

13. As the development has been completed, it is not necessary to impose a condition relating to the standard time limit for commencement. However, it is necessary to impose a condition that requires the development to accord with the approved plans to provide certainty.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

K Hole

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is allowed.

Mr A Spencer-Peet

INSPECTOR