



Appeal Decision

Site visit made on 16 July 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 July 2025

Appeal Ref: APP/V1505/W/25/3362491

Basilica House, 334 Southend Road, Wickford, Essex SS11 8QS

- 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 Andy Ellis of ATE Management Ltd against the decision of Basildon Borough Council.
 - The application Ref is 24/01062/FULL.
 - The development proposed is described as 'convert existing offices and add second storey to create four no 1-bedroom flats and four no 2-bedroom flats with allocated parking, cycle stores and refuse store'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to privacy and outlook; and
 - whether the proposed development would provide suitable living conditions for future occupiers, with particular regard to outdoor amenity space.

Reasons

Character and appearance

3. The section of Southend Road closest to the appeal site forms a main route leading off the roundabout junction with the A129 and into the settlement of Wickford. As the route transitions away from the countryside, it is bordered by mature trees, hedgerows and grass verges, including those adjacent to Shotgate Park. The character becomes more suburban as the route enters Wickford, with two-storey dwellings on one side, some of which are set back behind hedgerow frontages. On the opposite side, the built form includes a single storey doctor's surgery and two-storey commercial units. The predominant building materials are brick facades and tiled roofs, with the occasional use of render. Despite the variety of development in the area, the overall consistency in building heights, materials and the presence of the green edge to the route contribute positively to the character and appearance of the area.

4. Basilica House is a detached two-storey commercial building fronting Southend Road, with various shopfronts at ground level and offices at first floor level. It has a brick façade and tiled roof, with a small gable feature located along its frontage. Vehicle parking is provided to the front of the building. Due to its large footprint, scale, siting and presence of signage, Basilica House is a visually prominent building in the street scene, including on entry into Wickford from the junction with the A129.
5. The proposed additional storey would introduce a third level, increasing the building's overall height and massing. As there are no other three-storey buildings in the immediate vicinity of the appeal site, the proposal would appear notably out of context. Although its rendered finish would provide some visible contrast with the lower part of the building, the substantial increase in bulk would make the building appear unduly bulky and incongruous, failing to respect the scale and character of the surrounding area.
6. I conclude that the proposed development would have a harmful effect on the character and appearance of the area. In this regard, it would be contrary to Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) (LP) which states that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene.
7. For the same reasons, the appeal proposal conflicts with the National Planning Policy Framework (the Framework), which seeks to achieve well-designed including paragraphs 131 and 135 which emphasise the importance of achieving high quality buildings that are visually attractive, sympathetic to local character and add to the overall quality of the area.

Living conditions – neighbouring occupiers

8. The Council's delegated report notes that the closest neighbouring residential gardens would be located approximately 30 metres away to the south of Basilica House. It raises concerns that the proposed development would give rise to a perception of overlooking by virtue of the increased height and dominance of the resultant building.
9. The occupiers of these neighbouring dwellings currently benefit from a relatively open and spacious outlook across their garden boundaries. Views of the proposed addition would be restricted to oblique angles and due to the separation distance, the development would not be harmful to outlook. Given the proposed windows would be positioned at a similar distance to the existing first floor windows, the appeal proposal would be unlikely to result in any material increase in levels of overlooking beyond current levels.
10. The Council have not identified harm to the living conditions of any other neighbouring dwellings, and I find no substantive reason to disagree.
11. I conclude that the proposed development would not result in a harmful effect on the living conditions of neighbouring occupiers with particular regard to privacy and outlook. In this regard, it would comply with Policy BAS BE12 of the LP insofar as it would not result in new residential development that causes overlooking or over-dominance. For the same reasons, the appeal proposal would not conflict with the Framework insofar as it requires a high standard of amenity for existing users.

Living conditions – outdoor amenity space

12. The proposed development does not include the provision of outdoor amenity space, either private or communal, for the occupiers of the proposed dwellings. Even so, in the interests of the occupier's well-being, it would not be unreasonable to expect some level of outdoor amenity space provision, particularly for the proposed two-bedroom flats which would likely be occupied by families. The provision of a private garden space would be particularly important in offering space for play, in addition to space for relaxation.
13. However, no specific garden size standards have been drawn to my attention. Furthermore, Shotgate Park is located to the rear of the appeal site, within a short walking distance. It contains a large area of open space and a children's play area. Whilst this space would not be private, it would nevertheless offer the occupiers a conveniently located and usable outdoor area.
14. I conclude that the proposed development would provide suitable living conditions for future occupiers, with particular regard to outdoor amenity space and would not conflict with the Framework insofar as it requires the creation of places which promote health and well-being, with a high standard of amenity for future users.
15. The Council's decision also refers to Policy BAS BE12 of the LP. However, the Council's delegated report confirms that this policy does not refer to provision of outdoor amenity space. Moreover, this policy does not refer to the living conditions of occupiers of a proposed development. I therefore find no specific conflict with this policy with regards to this main issue.

Other Matters

16. The appeal site is located within the zone of influence for various designated site, including the Essex Coast Special Protection Areas (SPA), Special Areas of Conservation (SAC) and Ramsar sites as identified in the Essex Coast Recreational Disturbance Avoidance Mitigation Strategy Supplementary Planning Document (2020) (SPD). The Council's delegated report indicates that it is satisfied a financial contribution could be secured to provide appropriate mitigation to ensure the proposal would not affect the integrity of these areas. However, limited details have been provided including a mechanism for securing such a contribution. Had I been minded to allow the appeal, it would have been necessary for me to seek clarification, consult Natural England and undertake an appropriate assessment to determine whether the proposal would result in a significant effect, either alone or in combination with other development, on the integrity of these sites. In any case, any contribution secured would only have the potential to mitigate any potential adverse effect of the appeal proposal and would not constitute a benefit of the proposed development.
17. The appellant has drawn my attention to a scheme for the erection of an additional floor over an existing three-storey building to provide six self-contained flats¹ which also provided no outdoor amenity space at 155 Southend Road. In that particular regard, have found the appeal proposal to be acceptable even though it would provide no outdoor amenity space. Furthermore, I have limited information on the specifics of that scheme and each case must be assessed on its own site-specific circumstances. In any event, that scheme is not located on the same part of

¹ 19/01402/FULL

Southend Road as the appeal proposal and does not therefore justify the harm I have identified in relation to the character and appearance of the area, having regard to the immediate surroundings of the appeal site.

18. The Council approved planning permission for the conversion of the offices at first floor level into two flats in 2023² and the demolition of a storage unit and the erection of a detached block of four self-contained flats in 2021³. However, these permissions differ from the appeal proposal and cannot therefore be used as a reason to justify the appeal proposal.
19. The appellant has drawn my attention to permitted development rights which allow for the additional storeys on existing buildings in certain instances, and subject to specific conditions and limitations. However, the appeal proposal has been submitted as a planning application and there is no substantive evidence before me, such as a lawful development certificate, to indicate that a comparable fallback exists in this case.
20. The effect of the proposal on highway safety, biodiversity net gain, flooding, vehicle and cycle parking, bin storage and compliance with internal space standards are not matters in dispute between the main parties. However, these considerations indicate the absence of harm in those respects rather than any benefit.

Planning Balance

21. The Council has confirmed that it is unable to demonstrate a 5-year housing land supply. As such, Paragraph 11 d) of the Framework is a relevant consideration.
22. When a 5-year HLS cannot be demonstrated, the Framework advises that planning permission should be granted unless the application of policies in the Framework that protect areas or assets of particular importance provides a strong reason for refusing the proposal. Habitat sites are such areas/assets. Given the issues raised in relation to the Essex Coast recreational disturbance avoidance mitigation as set out above, it is possible that this could disengage the requirements of Paragraph 11 d) of the Framework.
23. Even if 11 d) of the Framework does apply, I have concluded that harm to the character and appearance of the area would be significant and would conflict with the aforementioned policies of the Framework.
24. Benefits of the proposal include utilising space above an existing building within a sustainable location within the settlement of Wickford, which would support a range of services and facilities in the area with access to various public transport links. There would be economic benefits associated with the construction phase and through future residents contributing to the local economy. However, given that the proposal is for eight additional dwellings, these associated benefits would be modest. It is also recognised that the appeal site could make a small albeit important contribution to the housing requirement of the area, including the delivery of smaller 1 and 2-bedroom units, that could potentially be built out more quickly than a larger scheme.
25. However, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework taken

² 23/00476/FULL

³ 21/00664/FULL

as a whole. As a result, even if it were applicable to the appeal proposal, the proposed development does not benefit from a presumption in favour of sustainable development and paragraph 11 d) of the Framework indicates that permission should not be granted.

Conclusion

26. The proposal would conflict with the development plan as a whole and the material considerations, including the provisions of the Framework, do not indicate that the appeal should be decided other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR