



Appeal Decision

Site visit made on 20 October 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 November 2025

Appeal Ref: APP/V1505/D/25/3369979

19 Basildon Drive, Basildon, SS15 5QN

- 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 C Barker against the decision of Basildon Borough Council.
 - The application Ref is 25/00568/FULL.
 - The development proposed is to convert existing garage into a 2-bedroom residential annexe, ancillary to the main dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to convert the existing garage into a 2-bedroom residential annexe, ancillary to the main dwelling at 19 Basildon Drive, Basildon, SS15 5QN in accordance with the terms of the application ref 25/00568/FULL, 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 the following approved plans: 01, 02, 03A.

Main issue

2. Having regard to the Council's reason for refusing the planning application and the content of the decision notice, the main issue in the appeal is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The proposed development, as described on the application form and shown in the submitted drawings, is for internal and external works to an existing detached garage located to the rear of the existing dwelling of 19 Basildon Drive, so as to form a 2-bedroom residential annex which will be ancillary to that dwellinghouse.
4. The Council's reason for refusing the application cites saved Policy BAS BE12 of the Basildon District Local Plan 2007. This is entitled 'Development Control' and states that permission will be refused for alterations or extensions to existing dwellings if there is material harm with respect to five criteria. I consider these below.
5. The garage exists already and would not be extended, with only alterations to the fenestration. Thus, I consider there would not be any harm to the character of the area, nor over-dominance to neighbours (criteria i and iv). The garage is single

storey and intervening fences would prevent any overlooking to neighbours (criterion ii). The garage already sits within an established residential curtilage adjoining dwellings and an access to Basildon Drive exists, which gives the potential for general domestic noise across the appeal site; I cannot see there would be any material increase in noise potential from the conversion of the garage to an annexe (criterion iii). The existing vehicular access to the appeal site and the garage remains unaltered, and the Highways Authority raised no objection (criterion v).

6. I therefore consider the proposed development would not give rise to any of the identified potential material harms set out in saved Policy BAS BE12 'Development Control' which would represent a conflict with that Policy. The proposal would not have any harmful effect on local character, and would have a high standard of amenity for existing occupiers in the area and future users of the building, and so such provisions as set out in paragraph 135 of the National Planning Policy Framework would be satisfied.
7. The Council's reason for refusal and the delegated report further considered, under the issue of character and appearance, the potential use of the converted garage. The Council state the scale of the proposed accommodation would be tantamount to a self-contained dwelling, and comment that it is was uncertain who would occupy the accommodation. They further say it had not been demonstrated why the host property could not be extended to facilitate additional accommodation, and also commented on the distance of the annexe from the dwelling.
8. As noted earlier, the application form to the Council set out the proposal as being for a residential annexe, ancillary to the main dwelling: that is the development as applied for, and there is no separate dwelling proposed in the appeal before me. Notwithstanding this fact, the appellant has explained the converted garage would be occupied by family members and, although it would provide facilities capable for independent day-to-day living, there would remain some sharing of functions and activities with a continued familial relationship between the occupiers.
9. I am informed services and utilities would remain associated with the existing dwelling. I also noted at my site visit that the garage building is smaller than the main dwelling and situated within the clearly defined, relatively modest sized rear garden with no change in access proposed; the building, when used as an annex, would be seen as remaining with a relationship to that dwelling I further acknowledge the appellant's observation that the Council have not drawn my attention to any planning policy that requires a householder to demonstrate first that a dwellinghouse cannot be extended or altered before considering whether an annexe can be permitted.
10. It is apparent to me that, as a matter of fact and degree, there would remain a close functional and physical relationship between the main dwelling and the converted garage. Thus, I consider the annexe would be used as ordinary living accommodation which would be an integral part of the ordinary residential use of the appeal property as a dwellinghouse. The annex would therefore be part and parcel of the main dwellinghouse, rather than being ancillary.
11. If the converted garage was not to be used as proposed, or if there were to be a material change of use in the future to create a separate dwellinghouse, then a separate grant of planning permission would be required. For this reason, and

since I am satisfied the description of development is precise in describing the development, a condition limiting the use to the proposed use is not necessary. I further consider it is not necessary for a condition limiting the use to be 'ancillary' since, as noted above, the use would be part and parcel of the main dwellinghouse.

12. The appeal is therefore allowed. I have attached the Council's suggested condition specifying the approved drawings since these specify the materials and details for the proposed works, in the interests of achieving a satisfactory appearance to the development and for precision.

C J Leigh

INSPECTOR