
Appeal Decision

Site visit made on 10 September 2025

by A Oyebade MSc FCILT

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2025

Appeal Ref: APP/V1505/W/25/3364968

10 Woodlands Road, Wickford, Essex SS12 0AL

- 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 Messrs R and S& E Coleby and Day against the decision of Basildon Borough Council.
 - The application Ref is 24/01231/FULL.
 - The development proposed is demolition of building and construction of a new building containing a 1-bedroom dwelling.
-

Decision

1. The appeal is dismissed.

Main issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area;
 - the living conditions of future occupiers of the development; and
 - the nearby Special Protection Areas and Ramsar Sites.

Reasons

Effect on the character and appearance of the area

3. The built form along Woodlands Road is defined primarily by a substantial three-storey block of modern flats incorporating a few commercial units that extends along one side of the street. In contrast, the opposite frontage comprises a small cluster of contemporary single-storey commercial units with flat roofs. The appeal site forms part of this commercial frontage and is positioned behind a mix of residential and commercial properties fronting the adjacent High Street, which runs parallel to Woodlands Road. These properties present a noticeably subordinate scale and character when compared with the dominant block of flats opposite.
4. The appeal site is presently occupied by a modern, single-storey building positioned to the rear of the two-storey property at No. 67 High Street. The building addresses a small courtyard opposite, which stands a comparable single-storey unit, also orientated with its side elevation onto Woodlands Road. The structure presents its side elevation to Woodlands Road, with a flat roof that slopes towards its rear and the adjoining London Road. Its height reaches approximately the first-floor level of No. 67 High Street, allowing views of the first-floor windows.

However, these windows are partly obscured by a high fence positioned behind No. 67 High Street.

5. Policy BAS BE12 of the Basildon District Local Plan (Adopted September 2007) stipulates that planning permission for new residential development, or for the alteration and extension of existing dwellings, will be refused where such proposals would result in harm to the character of the surrounding area including the street scene, noise or disturbance to neighbouring occupiers, or give rise to traffic danger or congestion.
6. The appeal proposal comprises a one-and-a-half storey dwelling with a pitched roof incorporating rooflights, occupying the full footprint of the existing building. The submitted elevation drawings demonstrate that, by reason of its scale and design, the proposed dwelling would be materially larger and taller than the extant single storey structure, and would present as conspicuously different in form.
7. The existing building, in keeping with others along this side of Woodlands Road, presents as subservient when compared with the properties opposite and those fronting the High Street. By contrast, the proposed development would introduce a markedly dominant presence within its immediate setting. The appellant argues that the ridge height of the scheme aligns with the half-ridge of the annexed section of the two-storey building located near the junction of Woodlands Road and London Road. However, the key consideration is how the proposal integrates with the prevailing character of this side of the street, which is largely defined by modest, single-storey buildings. The referenced property, with its half-ridge adjoining the second floor, appears to be the sole two-storey structure to the rear of the High Street. Consequently, the proposed development would not respect or reflect the established character and appearance of the streetscape.
8. The appellant has drawn attention to a separate prior notification approval (ref: 24/00447/PACU) for the conversion of the existing building to a single dwelling, citing this as a potential fallback position. Nonetheless, the current appeal proposal does not represent a substitution for the permitted change of use, as it differs substantially in both scale and form. As a result, it would not reflect the established character and appearance of the area, and this raises significant concerns in relation to compliance with relevant policy.
9. The appellant refers to paragraphs 124 and 125 (d) and (e) of the National Planning Policy Framework ("the Framework"), which encourage the effective use of land through the development of under-utilised sites and buildings, as well as the airspace above existing residential and commercial premises for new homes. Reference is also made to an extant approval at 63-65a High Street (ref: 21/00395/FUL) for two self-contained one-bedroom flats above the existing building, where the Council accepted that the chosen street-facing design reflected an art deco influence within the surrounding area and acknowledged that building scales can vary in this context. The appellant contends that the same considerations apply to the current appeal proposal.
10. The concerns raised in relation to the appeal proposal do not imply that the Council fails to acknowledge the guidance set out in paragraphs 124 and 125(d) and (e) of the Framework. However, these provisions do not support development that would be out of context with its surroundings or that would result in harm to the occupiers of the proposed scheme or neighbouring dwellings. The buildings on the same side

of Woodlands Road as the appeal site are predominantly single-storey and of low height. By contrast, those on the same side of the consented scheme on the High Street comprise varied larger mixed-use properties of two to four storeys, generally characterised by higher floor-to-ceiling heights.

11. The elevation plans for the extant approval at 63–65a High Street demonstrate that, owing to the noticeably greater floor-to-ceiling heights of buildings along this frontage, the approved three-storey scheme rises only marginally above the adjoining two-storey building at No. 67, particularly around the half-oval feature encircling its central windows. Furthermore, although the approved scheme is three storeys in height, it would remain noticeably lower than the existing three-storey mixed-use property at Nos. 55–59. Also, the buildings located on the same side of Woodlands Road as the appeal site appear noticeably subordinate in scale when compared both to the dwellings situated opposite and to those fronting the High Street to the rear.
12. The elevation plans for the consented scheme at 63–65a High Street indicate that the rear extension at second-floor level is comparable to the existing rear first-floor addition, with both incorporating similar balconies. The appellant further contends that the appeal proposal represents a substantially reduced scale when set against the earlier scheme that was refused (Ref: 23/01072/FULL). While I accept that the current proposal is indeed smaller than its predecessor, when considered within the context of the surrounding built form it remains inconsistent with the prevailing character and appearance of neighbouring properties on this side of the road.
13. The appellant disputes that the proposed development would give rise to any harmful visual impact on the character and appearance of the streetscene, contending that, although it differs from the existing building, it represents an enhancement in terms of form and materials, consistent with a residential character. It is also contended that, although the proposed roof form differs from the existing, it is preferable to a bulkier mono-pitched arrangement, particularly in the context of what is described as a changing built environment. Nevertheless, I find that, for the reasons set out above, the scale and form of the appeal proposal would be out of keeping with, and fail to integrate into, the established character and appearance of the area.
14. The appellant draws attention to paragraph 139 of the Framework, asserting that the design of buildings to the rear of the High Street has historically lacked control and is characterised by the presence of vehicles and waste storage, and that the appeal proposal represents a good design that is encouraged by the Framework. It is further noted that Woodlands Road has assumed a more residential character following the construction of the larger development known as ‘The Forge’. Nevertheless, as set out above, the buildings situated on this side of Woodlands Road remain subservient in both scale and form to the neighbouring dwellings opposite and those fronting the High Street. The appeal proposal appears to be much larger and dominant, culminating in significant visual impact on the character and appearance of the neighbouring properties, and would therefore not align with the established hierarchy of built form within the locality.
15. The appellant also addresses the Council’s concerns regarding the design of the proposal and seeks to rely on paragraphs 135 and 139 of the National Planning Policy Framework. However, for the reasons already outlined, I am not persuaded that the development would integrate satisfactorily with the established form and

layout of its surroundings, nor would it contribute to the creation of a coherent or distinctive sense of place. Instead, it would appear visually discordant within the streetscene. Accordingly, the proposal fails to comply with Policy BAS BE12 of the Basildon District Local Plan, as set out above.

Effect on the living conditions of future occupiers of the development

16. The appeal scheme proposes the installation of high-level windows within the side elevations to serve the ground-floor kitchen and dining accommodation, together with rooflights positioned to provide illumination to the first-floor bedroom and home office. A low-level window on the ground floor, complemented with gable window on the upper floor would be provided on the front of the building. The development makes no provision for private garden areas, with the principal frontage instead allocated to car and cycle parking and refuse storage facilities.
17. Apart from the living area on the ground floor, this configuration would deliver a substandard form of residential accommodation, especially in terms of the ground-floor kitchen and dining accommodation and the upper bedroom and home office. The reliance on high-level fenestration and rooflights would materially restrict outlook, thereby creating an enclosed and oppressive internal environment. The absence of any meaningful external amenity space would further constrain the living conditions of future occupiers. In combination, these deficiencies are considered to result in an unsatisfactory standard of residential amenity, with likely adverse implications for the health, well-being, and overall quality of life of prospective residents.
18. The appellant refers to the previously approved permitted development (Ref: 24/00447/PACU), citing the Council officer's report which observed that the proposed unit offered a poor outlook, being served only by rooflights and small windows on the northern and southern elevations. The appellant further argues that the appeal scheme provides the same level of light and ventilation to the living spaces as was deemed acceptable in the permitted development. I do not agree. There are clear differences in layout between the two schemes, and I do not consider that this argument justifies the grant of permission for the current sub-standard proposal.
19. The appellant contends that the front gable window and rooflights within the appeal proposal would provide adequate light and outlook and observes that it is not uncommon in urban settings for bedrooms to be served in this manner. While I accept that the front windows at ground-floor level would afford sufficient outlook to the living room, I am not persuaded that the front gable window, supplemented only by small rooflights at upper-floor level, would provide an adequate outlook to the bedroom.
20. The appellant argues that the units within the Forge development on Woodlands Road, together with the converted upper floors above the shops on the High Street, are without garden provision. My inspection, however, revealed that the Forge building includes a narrow enclosed strip adjoining the footway, planted and sheltered beneath a brick canopy with parapets along its frontage. At the upper end of the road, part of this strip serves as a forecourt to the neighbouring flats. These elements are also illustrated in the photographs contained within the appellant's planning statement. I do not find this other development which the appellant mentions to be directly comparable to the appeal proposal.

21. The appellant further asserts that the appeal site benefits from proximity to Nevendon Park and Barn Hall Park, which is contended would provide adequate recreational opportunities for future occupiers. While I acknowledge the presence of public parks in the area, I consider the fact that the proposal development would lack in its own useable, private amenity space would contribute to the overall unsatisfactory standard of accommodation for future occupiers. Accordingly, the proposal does not demonstrate that it would provide acceptable access to suitable amenity space for future residents. It therefore conflicts with Policy BAS BE12 of the Basildon District Local Plan, as set out above.

Effect on the nearby Special Protection Areas (SPA) and Ramsar Sites

22. The parties agree that the appeal site is in proximity to Special Protection Areas (SPAs) and Ramsar sites, which are designated European sites vulnerable to the effects of increased recreational activity. The Council notes that if the appeal proposal had otherwise been considered acceptable, it would have necessitated the undertaking of a Habitat Regulations Assessment. The Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD), adopted in May 2020 and prepared in accordance with the Conservation of Habitats and Species Regulations 2017, establishes that all qualifying development proposals must be supported by an appropriate mitigation strategy, alongside other prescribed measures.
23. While it is acknowledged that the appellant has expressed a willingness to provide the requisite financial contribution towards the mitigation of impacts on designated European sites, the mechanism for securing such mitigation is contingent upon the grant of planning permission. In the absence of an agreed mitigation strategy at this stage, I cannot be satisfied that adequate safeguards would be in place to avoid adverse effects on the identified SPAs and Ramsar sites.
24. Accordingly, the proposal conflicts with the Essex Coast Recreational Disturbance Avoidance and Mitigation Strategy (RAMS) Supplementary Planning Document (SPD), adopted in May 2020. The SPD, prepared in accordance with the Conservation of Habitats and Species Regulations 2017, requires that all developments likely to give rise to significant effects, whether individually or in combination, on the Blackwater Estuary and the Benfleet and Southend Marshes SPAs and Ramsar sites, must be supported by a Habitats Regulations Assessment (HRA) and appropriate mitigation measures.

Other matters and planning balance

25. The appellant also contends that the proposed development satisfies the criteria for sustainable development. It is common ground that the Council is unable to demonstrate a five-year supply of deliverable housing sites. In such circumstances, paragraph 11(d)(ii) of the National Planning Policy Framework (“the Framework”) provides that planning permission should be granted unless the adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework policies taken as a whole.
26. The appeal site benefits from proximity to a range of services and facilities. The proposal would contribute positively to the supply of housing, with associated social and economic benefits both during the period construction and following occupation. Nevertheless, given the modest scale of the scheme, the contribution

of a single additional dwelling to housing supply, through the more efficient use of land in an urban location, would be limited in its overall effect.

27. Having regard to the circumstances of this case, I find that the development would result in harm to the character and appearance of the area and living conditions of the occupiers of the development, and that such harms would be enduring. When assessed against the Framework policies in their entirety, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits. Accordingly, the development does not benefit from the presumption in favour of sustainable development set out at paragraph 11 of the Framework.

Conclusion

28. Taking all other material considerations into account, I find that none are of such weight as to indicate that the appeal should be determined other than in accordance with the development plan. For the reasons set out above, and having regard to the policies of the plan and the Framework taken as a whole, I therefore conclude that the appeal should be dismissed.

A Oyebade
INSPECTOR