

BASILDON 09/02319 Pins Ref 2131526	The Red Lion, Aldworth Road, Upper Basildon (Enterprise Inns Plc & Caldecotte Consultants Ltd)	Erection of detached dwelling	Delegated Refusal	Dismissed 26.10.10
--	---	-------------------------------------	-------------------	-----------------------

Planning permission was refused for the erection of a detached dwelling to the rear of the Red Lion in Upper Basildon. The dwelling was proposed on land which comprises parts of the existing car park and garden for the pub. The proposed development involved the reconfiguration of the existing car park to maintain the same level of parking.

There Inspector identified four main issues to the appeal:

1. the impact on the character and appearance of the village
2. the impact on the viability of the Red Lion
3. whether safe access can be achieved
4. the impact on the living conditions of Fordland Mount

Character and appearance

The application was refused because it was considered to conflict with the linear character of Upper Basildon. However, the Inspector concluded that the character of Upper Basildon can be described as “a mixture of linear and informal layouts”. In this context he reasoned that a well designed property would not disrupt a clear patten of development within the village, nor would it look out of place. The Inspector did not consider the recent changes to Planning Policy Statement 3 concerning “garden grabbing” to be directly relevant because the site is not a residential garden.

Viability of the Red Lion

Although the pub garden would be reduced by about half, the Inspector reasoned that there would still be a substantial garden area available, and this would be that closest to the pub and so the most usable. Despite the level of local objection, he found there was no substantive evidence to suggest the proposal would render the pub unviable by the loss of some of its garden, especially as what is left would still be a reasonable size.

Highway safety

The Council sought a visibility splay to the north of 25m with a 2m set back. Only 11.5m x 2m could be demonstrated, which is significantly shorter. The Inspector noted that the lane was narrow, visibility to the north was limited by the overgrown bank to the front of Fordland Mount, and the bank at the access was quite steep. Consequently he concluded that the appeal should fail on this ground.

Fordland Mount

The Inspector was concerned at the relationship between the proposed dwelling and Fordland Mount. The dwelling was proposed forward of the neighbour, adjacent to its front garden, which is its main amenity space. Owing to its position, the Inspector concluded that the proposed dwelling would be a

dominating presence when viewed from the neighbouring property, which would be further pronounced by the rising ground levels. He also noted that afternoon and evening light would be lost to the garden depending on the time of year.

Conclusion

The Inspector did not find any material harm in terms of the impact on the character and appearance of the area, and the viability of the pub. However, he concluded that, because safe access could not be achieved, and because of the problematic relationship with Fordland Mount, the appeal should fail. This appeal decision provides a view on the settlement pattern character of Upper Basildon, and highlights the need for substantive evidence when assessing the impact on viability.