

Appeal Decision

Site visit made on 6 December 2016

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 December 2016

Appeal Ref: APP/V1505/D/16/3160198

19 Woolshots Road, WICKFORD, Essex, SS12 0LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dan Byne against the decision of Basildon Borough Council.
 - The application Ref. 16/00885/FULL was refused by notice dated 19 September 2016.
 - The development proposed is hip to gable conversion of existing roof and first floor rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of occupants of 21 Woolshots Road (No.21), with particular reference to privacy.

Reasons

3. The appeal property is a semi-detached single-storey dwelling which sits next to No.21, a two-storey house. The ground levels of the appeal site are elevated above those of No.21, which mitigates the height difference between the two buildings.
4. In principle, the Council does not oppose the design of the proposal, and I share its conclusions that the rear element would not have a detrimental impact upon the appearance of the host dwelling or the streetscene. However, Policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007 (LP) seeks to resist development which, amongst other criteria, causes material harm through overlooking. This point is reinforced by paragraphs DC30, DC41 and DC43 of the Council's Development Control Guidelines¹, which outline criteria and measures to prevent overlooking of neighbouring properties.
5. In this case, the sole source of light and ventilation to the proposed second bedroom would be the window in the new side gable end. I note the proximity and orientation of Nos. 19 and 21, but I do not share the appellant's view that loss of privacy would only arise if occupants of the bedroom were to lean out of the window in question. Whilst this may be the case for views towards the end of the rear garden of No.21, the material change in ground levels means that

¹ Approved April 1993, and Alterations approved 19 March 1997

views down into the rear patio and glazed dining room of No.21 would be available. I am not convinced that the closest flank wall of No.21 would act as sufficient screen due to its height below that of the main ridge of No.21. There would also be a clear perception of being overlooked for the neighbouring residents.

6. The appellant indicates that the inclusion of roof windows in place of the gable window was an option, but revised plans have not been submitted as part of this appeal. As there has been no public consultation on such an amendment, it is not a revision which could reasonably be addressed through a planning condition. I note the appellant's wish to have resolved the matter during the application, but there are other procedures to pursue concerns about the determination process, and such matters cannot be explored in a Section 78 planning appeal.
7. I therefore conclude that the proposed side-facing window of the hip-to-gable roof extension would result in the potential for overlooking and loss of privacy to occupants of 21 Woolshots Road to a degree that their living conditions would be harmed. This would conflict with the aims of LP Policy BAS BE12 (ii) and supporting guidance.
8. The National Planning Policy Framework (the Framework) establishes a presumption in favour of sustainable development, and part of its social strand is to create a high quality built environment that reflects the community's needs and supports its health, social and cultural well-being. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, but for the reasons given above the proposal would not comply with this principle. It would not therefore be sustainable development supported through the Framework, and for the reasons given above I conclude that this appeal should be dismissed.

H Lock

INSPECTOR