
Appeal Decision

Site visit made on 5 December 2016

by Terry G Phillimore MA MCD MRTPI

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

Decision date: 23 December 2016

Appeal Ref: APP/V1505/D/16/3163147

5 Whinams Way, Billericay CM12 0HD

- 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 P Lagosz against the decision of Basildon Borough Council.
 - The application Ref 16/00895/FULL, dated 23 June 2016, was refused by notice dated 12 September 2016.
 - The development proposed is various extensions and external alterations to existing dwelling incorporating a two-storey side extension, single storey rear extension and part single, part first floor, part two-storey front extensions.
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Decision

1. The appeal is allowed and planning permission is granted for various extensions and external alterations to existing dwelling incorporating a two-storey side extension, single storey rear extension and part single, part first floor, part two-storey front extensions at 5 Whinams Way, Billericay CM12 0HD in accordance with the terms of the application, Ref 16/00895/FULL, dated 23 June 2016, 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 materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans: LAG-01B, LAG-02P, LAG-03P, LAG-04B, LAG-05B, LAG-06B, LAG-07B.

Procedural Matter

2. The above description of the development is an expansion of that on the application form. It was used by the Council in its acknowledgement of the application and inserted on the appeal form by the appellant. Although the Council used a further revised description on its decision notice, it provides a reasonable summary of the proposal and I have adopted it.

Main Issue

3. The main issue is the effect the proposal would have on the character and appearance of the area.

Reasons

4. Whinham Way contains mostly two-storey detached and semi-detached residential properties with some variety in terms of size, style and design. No. 5 is a detached house of a simple design with a pitched roof and attached front projecting garage which has its own lower pitched roof.
5. An appeal against an earlier refusal of permission for a scheme of extension and remodelling of the dwelling was dismissed on 17 December 2013 (appeal ref APP/V1505/D/13/2207576). The Inspector described the proposal as including a 2 storey front and side extension with accommodation in the roofspace. This comprised a gable fronted element nearest the boundary with No. 7 and a single storey extension with part flat roof, extending the width of the front elevation and wrapping around the front gable and corner to the side and rear.
6. The Inspector found that the relatively wide central platform of the new main roof would give an awkward appearance, and the flat roof section above the front single storey extension would be unduly prominent and detract from the appearance of the front elevation particularly in side view. These flat roof features would also fail to complement the more angular design of the host dwelling. The delineation of the main roof central platform would be apparent from certain vantage points particularly when approaching from Mountnessing Road. Since Whinham Way is characterised by properties with pitched roofs, the main and single storey roof design would fail to complement others in the area. Overall the Inspector's conclusion was that the flat roof features of the proposal would have an adverse effect on the character and appearance of the host dwelling and surrounding area. However, the Inspector added that, while the front extension would be substantial at first floor level, this aspect would not be so disproportionate as to cause any significant harm, and the projection of the front extension would also be mitigated by the staggered front building line in this part of Whinham Way.
7. The current proposal differs significantly from that of the previous appeal as described above. It would not provide accommodation at roof level, but at the front two gabled projections would be incorporated within an enlarged pitched roofslope with a raised ridge level and extending downwards further to the front, taking in the garage projection. The building would also be enlarged at the rear, with a mono-pitched single storey extension across the whole rear width.
8. This scheme therefore does not feature large flat-roofed elements as found to be out of keeping with the area in the previous appeal. The Council raises concern about the increased height of the dwelling and the greater overall bulk that it would have by comparison with the existing. However, a further change since the earlier appeal is that a new house is nearing completion on Land rear of 193 & 195 Mountnessing Road, which is immediately to the north-east. This new 4-bedroom house, granted permission on appeal on 3 September 2014 (appeal ref APP/V1505/A/14/2220277), following the earlier granting of permission by the Council for a chalet style property on that site, sits forward of No. 5 onto Whinham Way. It thereby interrupts views of No. 5 when approaching from Mountnessing Road, as well as introducing a new relatively large two-storey dwelling of a different design within its immediate setting. In this context, despite the resultant footprint of the appeal proposal and that No.

5 is currently of a similar style to the properties to the south, the alterations with the use of matching materials would not result in a dwelling that is overly dominant or out of character in the street scene.

9. I agree with the Council's assessment that there would not be any serious adverse impact on the amenities of neighbouring dwellings such as to materially harm living conditions, taking into account the relative separation and orientations. I note concerns about building work disruption and precedent, but these do not justify withholding permission for a development found to be acceptable on its own merits. Although suggested conditions on parking have been put forward, these have not been advocated by the Council, and do not appear to be reasonable in the context of the limited change from the existing situation in this respect.
10. Overall the proposal would not give rise to the material harms which saved policy BAS BE12 of the Basildon District Local Plan 2007 on residential development seeks to prevent. I conclude that the appeal should be allowed.

T G Phillimore

INSPECTOR