
Appeal Decision

Site visit made on 13 March 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 07 April 2017

Appeal Ref: APP/V1505/D/17/3168404

100 Upland Road, Billericay, Essex CM12 0LD

- 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 and Mrs N Freeman against the decision of Basildon Borough Council.
 - The application Ref 16/01512/FULL was refused by notice dated 19 December 2016.
 - The development proposed is front, side, rear extensions and first floor development.
-

Decision

1. The appeal is dismissed.

Main Issues

2. I consider the main issues to be:

the effect of the proposal on the character and appearance of the surrounding streetscene; and

the effect of the proposal on the living conditions of occupiers of No. 102 Upland Road, with particular reference to visual impact, daylight and privacy.

Reasons

Character and Appearance

3. The appeal property is a bungalow that lies within a primarily residential area within a row of bungalows and chalet bungalows. This group, due to their small scale, make a distinct positive contribution to the character and appearance of the surrounding area. In the wider surrounding area there is a mix of primarily two-storey and single-storey dwellings.
 4. The proposal would convert the existing bungalow to a two-storey dwelling. The ridge height would be raised from some 6.2 metres to some 8.8 metres. The extensions to the front, side and rear would create a dwelling materially significantly larger than the existing bungalow.
 5. From my observations, due to the size and bulk of the proposal within this group of considerably smaller dwellings, I consider that the proposal would appear as a dominant and incongruous addition. It would not be in keeping with the character and appearance of this part of Upland Road.
-

6. In reaching my conclusion on this matter, I have had regard to all matters raised, including examples of developments in the vicinity. None appear to be directly comparable to the proposal before me in terms of design and in terms of position within such a group of small dwellings. I have determined the proposal before me on its individual merits.

Living Conditions

7. At my site visit, I viewed the property from the neighbouring dwelling at No. 102 Upland Road and was able to see the close proximity of the proposal to that neighbouring property and the existing overlooking from side windows in both properties.
8. From my observations, I consider that the proposal, due to its height and bulk and position close to the dwelling at No. 102 Upland Road, would have an unacceptably overbearing impact on the living conditions of those neighbours. In particular, it would make the rear garden a less pleasant place to use and would significantly materially decrease the amount of natural daylight received through the glazed rear patio doors to the living room.
9. The appellants have stated that all windows in the side elevation facing No. 102 Upland Road would be obscure glazed. Whilst this would prevent overlooking, one of these rooms would be a bedroom. In my opinion, it is not good planning practice to obscure glaze the only window to a bedroom. Therefore, whilst proposed obscure glazing would protect the privacy of occupiers of No. 102 Upland Road, I do not consider such obscure glazing to be appropriate for the bedroom window.
10. For the reasons stated above and having taken into consideration all matters raised, I conclude on this matter that the proposal would have a significant adverse impact on the living conditions of neighbours.

Conclusion

11. I have found that the proposal would have an adverse effect on the character and appearance of the surrounding area and on the living conditions of neighbours. Thus, the proposal would be contrary to Policy BAS BE12 in the Basildon District Local Plan Saved Policies (2007) and the Council's Development Control Guidelines (1993 with alterations 1997), where they seek to ensure that new development does not harm the surrounding streetscene or the amenities of neighbours. I consider that the policy and guidance referred to above are broadly in accordance with the National Planning Policy Framework as far as they meet the Framework's core principles; particularly that planning should be taking account of the different roles and character of an area; should be seeking to ensure high quality design; and should be seeking a good standard of amenity for all existing occupants of land and buildings.

J L Cheesley

INSPECTOR