

Appeal Decision

Site visit made on 2 June 2017

by S Poole BA(Hons) DipArch MPhil MRTPI

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

Decision date: 21 June 2017

Appeal Ref: APP/V1505/D/17/3171645

8 Eaton Close, Billericay CM12 0UR

- 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 Philip West against the decision of Basildon Borough Council.
 - The application Ref 16/01583/FULL, dated 9 November 2016, was refused by notice dated 28 December 2017.
 - The development proposed is described as two storey front and side additions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effects of the proposal on:
 - (i) the character and appearance of the host property and the street scene; and
 - (ii) on the living conditions of occupiers of 7 Eaton Close, with particular regard to outlook and overlooking.

Reasons

Character and appearance

3. The appeal property is a 2-storey semi-detached house with a garage to the side that is attached to the garage of the neighbouring house, 7 Eaton Close. The property forms part of a group of closely spaced detached and semi-detached houses forming a residential cul-de-sac. In many instances pairs of garages occupy the gaps between properties which allow views out of the Close towards buildings and trees beyond and gives the street scene a great deal of informality and variety. This is a key feature of the character and appearance of the street scene and a matter to which I therefore attribute significant weight.
 4. The proposal would include the demolition of the garage and erection of a 2-storey side extension to create a new garage/store on the ground floor and 2 bedrooms above. This would extend close to the side boundary shared with No.7 and significantly close the gap between the two properties at first floor level to the detriment of the characteristic of the street scene described above.
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5. The proposal would also include a two-storey front addition with a gable which would mirror the element at the front of the attached pair, No. 9, but would be set slightly behind the building line of No. 9. With the exception of No. 9, street-facing gable elements are not a common feature of the local street scene. For these reason a pair of such elements next to each other is likely to be a disharmonious feature and out of keeping with the street scene.
6. For the reasons set out above I conclude that, due to its siting, height and size, the proposal would have an unacceptable effect on the character and appearance of the street scene. The proposal therefore fails to comply with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) (LP). Amongst other matters this policy states that planning permission for extensions to existing dwellings will be refused if it causes material harm to the character of the surrounding area and the street scene. There is also conflict with the aims of the Council's Development Control Guidelines.

Living conditions

7. No. 7 Eaton Close includes 3 windows in an elevation that directly faces the part of the appeal site where the side extension would be located. Outlook from 2 of these windows is partly impeded by the nearby garages and I recognise that it is unlikely the proposal would reduce outlook from the ground floor window. Given the relative positions of the upper floor windows in No. 7, the garages and the proposal, in my judgement the proposal would be an overly dominant feature when viewed from these windows which would result in a significant and unacceptable reduction in levels of outlook.
8. I therefore conclude on this matter that the proposal would have an unacceptable effect on the living conditions of occupiers of No. 7. As such it is contrary to LP Policy BAS BE12 that states that planning permission for extensions to existing dwellings will be refused if it causes material harm in respect of, amongst other matters, over-dominance.
9. Whilst I note that the occupiers of No. 7 have not objected to the proposal and a letter in support has been provided, consideration needs to be given ensuring acceptable living conditions are maintained for current and future occupiers. Given the absence of windows in the flank elevations of the proposal and the relationship between the appeal proposal and the properties to the rear, I am satisfied that neighbouring property occupiers would retain acceptable levels of privacy.

Other Matters

10. The appellant has raised concerns about how this planning application and the earlier one were handled by the Council. As these are matters that do not relate to the planning merits of the proposal I attribute limited weight to them.

Conclusion

11. Although I note that the scheme has been revised following a previous refusal, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole INSPECTOR