



Appeal Decision

Site visit made on 4 July 2017

by Rory MacLeod BA MRTPI

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

Decision date: 28th July 2017

Appeal Ref: APP/V1505/W/17/3171081

8 Pilgrim Way, Laindon, Basildon SS15 5YW

- 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 Mrs H Nicholls against the decision of Basildon District Council.
 - The application Ref 16/01605/FULL, dated 15 November 2016, was refused by notice dated 28 December 2016.
 - The development proposed is two storey / single storey rear and front extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area and on the living conditions of the occupiers of nearby dwellings.

Reasons

3. The appeal relates to a semi-detached house paired with 6 Pilgrim Way within an estate of mainly semi-detached houses of varying design arranged informally around short roads. Whereas no. 6 has a frontage to Pilgrim Way, no. 8 is set behind it within an 'L' shaped building.
4. A single storey front extension including a porch is proposed. This would be of modest size, formed from matching materials and sited behind a wall at 6 Pilgrim Way such that the extension would be barely visible in the street scene. At the rear it is proposed to construct a single storey extension at almost the full width of the house with a first floor extension over most of this, but set in from the boundary with no. 6 by approximately 3 metres. The remaining width of the first floor extension would be approximately 6.5m. It would have a shallow hipped pitched roof. Two additional bedrooms with rear facing windows would be provided at first floor level.
5. The depth of the rear extensions would be 3 metres. This would reduce the separation to the rear wall of 25 Convent Close, a house set obliquely to the rear, to only some 5 metres. The first floor extension would appear as a large and close feature when viewed from the ground and first floor rear windows at the rear of 25 Convent Close. As the extension would be sited to the north-west, it would be unlikely to result in significant overshadowing. The angle between facing rear windows would be acute such that no significant

overlooking problems should arise. Nonetheless, the proximity and mass of the extension would result in an overbearing presence for the occupiers of 25 Convent Close. The resultant relationship between the two buildings would be at variance with the pattern of development in the surrounding area.

6. There would not be a significant impact on the living conditions of the occupiers of the attached property 6 Pilgrim Way from either the ground or first floor rear extensions given their limited depth and separation from the nearest windows at no.6. The resulting rear garden depth would be reduced to approximately 8m, affording greater opportunity for overlooking of the rear garden of 10 Pilgrim Way beyond the rear boundary fence. A large tree close to the rear boundary presently provides a screen for no.10, but even if this were to be removed, the overlooking of the garden would not be significantly worse than is common between adjacent properties in this estate.
7. Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies (September 2007) encourages residential extensions to respect the character of the surrounding area and the living conditions of adjoining occupiers in relation to overlooking, overshadowing and over-dominance. The policy points to the Basildon District Council Development Control Guidelines (March 1997) in which supplementary guidance is provided on detailed matters such as the use of a 45 degree code and minimum back garden lengths.
8. The shallow pitch of the roof over the first floor rear extension would not be in keeping with the character of this and other properties nearby, yet it would add to the mass and overbearing nature of the extension as a whole when viewed from 25 Convent Close. As such, the proposal would be in conflict with Policy BAS BE12. Paragraph 64 of the National Planning Policy Framework (2012) states that permission should be refused for development of poor design that fails to take opportunities to improve the character and quality of an area and the way it functions.
9. It has been brought to my attention that planning permission has subsequently been granted to an application for an alternative development with the same description as the appeal proposal (ref. 17/00004/FULL). In this application, the width of the first floor extension has been reduced to provide a greater separation from 25 Convent Close, the angle of the pitched roof over would now match that elsewhere on the house and the single room provided at first floor level would now be a bathroom with an obscured glazed rear facing window. This represents a fallback for the appellant. However, in my opinion the differences between the appeal proposal and the later planning permission are substantial. The existence of this permission does not outweigh my findings in relation to the harm arising from the appeal proposal.

Conclusion

10. For the reasons set out above, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area and on the living conditions of the occupiers of the adjacent property 25 Convent Close. The appeal is therefore dismissed.

Rory MacLeod

INSPECTOR