

Appeal Decision

Site visit made on 13 November 2019

by D Cramond BSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 November 2019

Appeal Ref: APP/V1505/D/19/3238041

45 Victoria Road, Laindon, Essex, SS17 8AZ

- 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 Jim Matthews against the decision of Basildon Borough Council.
 - The application Ref 19/00867/FULL, dated 4 June 2019, was refused by notice dated 28 August 2019.
 - The development proposed is a rear conservatory and decking area.
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Decision

1. The appeal is allowed and planning permission is granted for a rear conservatory and decking area at 45 Victoria Road, Laindon, Essex, SS17 8AZ in accordance with the terms of the application, Ref 19/00867/FULL, dated 4 June 2019, 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 development hereby permitted shall be carried out in accordance with the following approved plan: 874/01.

Main Issue

2. The main issue is the effect of the proposal on living conditions for neighbours.

Reasons

3. The appeal property is semi-detached bungalow on a sizeable rectangular plot fronting a road which is characterised by varied dwellings within this established residential area. The proposal is as described above. The conservatory and decking would sit side-by-side across the rear and would replace a smaller projection of decking which presently runs across the full width of the home.

Living conditions

4. The Council is concerned that firstly, the scale, height and projection of the conservatory would be dominant and lead to loss of light to and outlook from, the neighbouring dwelling and secondly, that the proposed raised deck in proximity to the other shared boundary would cause a perception of overlooking and a loss of privacy. In short the scheme would be to the detriment of residential amenities currently enjoyed by neighbours to each side.
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5. Characteristics of the area are that gardens fall away to rear, the rear building line is very varied in terms of positioning and style of structures and full privacy is not afforded to most rear gardens. Local people benefit from the flexibility in use and sunlight which is afforded, despite having north facing orientation, by there being lengthy gardens with consequent varied amenity layouts, summer houses, outbuildings and other uses.
6. The proposed conservatory would stand quite tall over the neighbouring garden and, like the existing decking and some windows, would allow for some overlooking but not to the degree that this should be a determining factor given a current relative lack of privacy. Because the rear building line of this neighbouring dwelling (No 43) is set closer to the road than the appeal property there is already a degree of building dominance along this side. The rear side part of the solid side wall and its full roof does this; effectively 'some blinkers are already on' in terms of outlook from the rear in this diagonal direction from No 43. To my mind the addition of an almost fully glazed 'lightweight' conservatory in the planned position notwithstanding height and projection would make little appreciable difference to scene from, light to or sense of enclosure to people in the neighbouring home or garden. No 43 enjoys a long and wider than average rear garden and the use of this and the prospect across it from the house would continue to be pleasing and extensive. The planned conservatory would not unduly dominate or cause hemming-in.
7. Turning to the decking I observed that this would run alongside a section of screen fencing with vegetation above and to my mind there would be little opportunity for direct overlooking or loss of privacy to the most important 'patio' area of the adjoining home. There is in place an existing deck along part of this length and I was readily able to gauge the screening situation. As I say above, because of levels and length of gardens and general disposition none of the gardens locally are fully private and I am satisfied that this proposed deck would not have an undue impact on any privacy which does exist and would not add to any degree to a perception of overlooking.
8. Policy BAS BE12 (Development Control) of the Basildon District Local Plan Saved Policies seeks, amongst other matters, to ensure that the alteration and extension of existing dwellings would not be harmful to residential amenity. I conclude that the appeal scheme would not run contrary to this policy or the National Planning Policy Framework of which I have full cognisance. I am satisfied as to the design of this proposed development.

Conditions

9. The Council suggests the standard commencement condition along with the requirement for works to be carried out in accordance with listed, approved, plan. I agree with this latter suggestion, to provide certainty.

Overall conclusion

10. For the reasons given above I conclude that the appeal proposal would not have unacceptable adverse effects on living conditions for neighbours. Accordingly the appeal is allowed.

D Cramond

INSPECTOR