
Appeal Decision

Site visit made on 3 December 2019

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2019

Appeal Ref: APP/V1505/D/19/3237199

237 Pound Lane, Bowers Gifford, Basildon SS13 2LB

- 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 D Mead against the decision of Basildon District Council.
 - The application Ref 19/00548/FULL, dated 15 April 2019, was refused by notice dated 28 August 2019.
 - The development proposed is first floor front extension, increase roof height to facilitate loft conversion with rear and side dormers and external alterations.
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Decision

1. The appeal is allowed and planning permission is granted for first floor front extension, increase roof height to facilitate loft conversion with rear and side dormers and external alterations at 237 Pound Lane, Bowers Gifford, Basildon SS13 2LB in accordance with the terms of the application, Ref 19/00548/FULL, dated 15 April 2019, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2898 01 C Site and Location Plans; 2898 03 C Proposed.
 - 3) The extension hereby permitted shall not be occupied until the dormer window on the north elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
 - 4) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan no. 2898 03 C and listed on the application form.

Procedural Matter

2. The description of the development provided on the planning application form has been replaced by a shorter version on the appeal form. I consider that subsequent description to be usefully more concise and I have therefore used it within this decision.

Main Issues

3. The main issues are the effect of the development on the character and appearance of the area; and the living conditions of the occupants of neighbouring properties with particular regard to privacy.

Reasons

Character and appearance

4. The appeal property is a large detached two-storey dwelling which has suffered fire damage and as a result has lost its original hipped roof. The site is currently shrouded in scaffolding which extends above the height of the original roof. The property is located along a main road which is characterised by detached and semi detached dwellings. The dwellings vary in their appearance and design and heights range from two storey to single storey chalet bungalows.
5. The area is of mixed character and includes both modern and older more traditional properties, however there is no clear pattern of development along Pound Lane. In particular the differing size and scale of properties create a varied street scene.
6. Prior to the fire, planning permission was allowed on appeal¹ for a first floor front extension, replacement windows and doors, with render to the front and side elevations to enable significant remodelling of the existing dwelling. These alterations are also part of the appeal proposal before me, however the Council have raised no objection to those elements of the scheme and I agree with the previous inspector that these changes represent a well designed and modern updating of the property that would improve the character and quality of the area.
7. The development includes the construction of a new roof which would be higher than that of the original dwelling to enable a loft conversion and includes the provision of both a rear and side dormer.
8. The raising of the ridge height would lead to the dwelling being taller than the properties either side, however the hipped roof design would minimise the effect of the increased height. As a result, I consider that the increased roof height would not appear overbearing or over dominant within the street scene.
9. The proposal also includes the introduction of a side dormer, which would be visible from the public highway. The pitched roof design of the dormer and its modest proportions, having regard to the overall scale of the roof, result in a proposal which is subservient to the main roof and therefore it would not appear discordant or incongruous.
10. Having regard to the general character of the area with its range of dwelling styles and heights, the proposed roof and side dormer would contribute to the overall character of the area, and along with the other changes to the property would improve the character and quality of the area.
11. I therefore conclude that the proposal would not have a harmful effect on the character and appearance of the area and would comply with policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007 (LP) which seeks to

¹ APP/V1505/D/18/3201636, 16 August 2018

ensure that residential development does not result in harm to the character of the surrounding area, including the street scene.

Living Conditions

12. The proposed side dormer would face towards 245 Pound Lane and serve the stair case into the 2nd floor. Within the existing side elevation is a window which serves the existing stair case which provides views onto the side of 245 Pound Lane, however there is no overlooking into habitable rooms.
13. The submitted plans indicate that the dormer window would be fitted with obscure glazing and therefore there would be no direct views onto 245 Pound Lane and in any event given the existence of the existing side window, which also serves a stair case I do not consider that there would be any greater perception of overlooking greater than that which currently exists.
14. On the rear elevation an inset dormer with full height windows is proposed. The dormer, due to its inset design would not extend beyond the existing rear elevation of the appeal property. In terms of privacy, the bedroom window in the proposed rear dormer would overlook the rear garden of 235 and 245 Pound Lane. However, these properties already experience direct overlooking from the existing first floor bedroom windows of the appeal property and in this context, I do not consider that the additional window proposed at second floor level would result in significant harm.
15. For these reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of neighbouring occupiers and therefore complies with policy BAS BE12 of the LP which seeks to ensure that development does not result in overlooking.

Conditions and Conclusion

16. The Council has suggested conditions which I have considered against the advice in the Framework and Planning Practice Guidance. As well as the standard implementation condition, I have imposed a condition to ensure that the proposal is built in accordance with the approved plans to provide certainty and a condition in respect of materials to safeguard the character and appearance of the area. I have also imposed a condition to ensure that obscure glazing is installed and retained within the side dormer to ensure the privacy of neighbouring occupiers is maintained.
17. For the reasons given above I conclude that the appeal should be allowed.

G. Pannell

INSPECTOR