



Appeal Decision

Site visit made on 7 January 2020

by D Szymanski, BSc (Hons) MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th January 2020

Appeal Ref: APP/V1505/D/19/3239060

171 Stock Road, Billericay, Essex, CM12 0SD

- 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 Anthony Spencer against the decision of Basildon Borough Council.
 - The application Ref: 19/00871/FULL dated 20 May 2019, was refused by notice dated 8 August 2019.
 - The development proposed is described as a first floor rear extension to provide 2 x bedrooms and 1 x bathroom. Note planning consent for a similar scheme was granted in April 2008.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. During this appeal the appellant has submitted amended plans (Ref: 171/103 and 171/104). The plans show a significantly reduced development to that considered by the Council. I have applied the 'Wheatcroft Principles'¹ and find that the amended proposals represent a significant and material change to the development. Determining the proposals on the basis of the amended plans, could deprive those who should have been consulted on the development, the opportunity of such consultation. Therefore, I have dealt with the appeal on the basis of the original scheme considered by the Council.
3. The Basildon Borough Revised Publication Local Plan 2014 – 2034 (October 2018) (the BBRLP) was submitted to the Secretary of State in March 2019. At the time of my consideration of this appeal, the examination hearings are yet to take place and the BBRLP could be subject to change, therefore I afford its policies limited weight.

Main Issues

4. The main issues are the effect of the proposed development upon:
 - the character and appearance of the host property and the wider area; and,
 - the living conditions of the occupiers of No. 2 Orchard Avenue, with particular reference to loss of outlook.

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

Reasons

Character and appearance

5. The appeal site is the southern of a pair of gable roof semi-detached dwellings, integrating a rendered front, a cross gable dormer, and some parallel vertical wooden boards. There are some dwellings of a similar style on part of nearby Orchard Avenue, although in the wider area other dwellings exhibit a range of architectural designs, materials and scale.
6. The appeal site dwelling benefits from a large single storey flat roof rear projection across most of the width of the property, approximately 10.2 metres (m) in depth. The pitched roof first floor extension would be set back by approximately 1m from the end of the ground floor projection. The northern side wall would be flush with the ground floor, but the southern wall would be set back approximately 1m from the ground floor side wall, which appears to form a shared boundary with No. 2 Orchard Avenue. The development would create a visible overhang from the existing first floor side gable wall.
7. Whilst the proposed extension may be smaller than the existing dwellinghouse, by reason of the overall height, depth, width and the shallow pitched roof form, it would appear as a large addition. The long largely blank flank walls would integrate only one small side window to the bathroom. This would result in the extension appearing to have a considerable mass and bulk with little relief along the side elevations. Such would be the overall size, scale, height and massing of the development, it would dominate and not appear subservient to the host dwelling.
8. The shallow pitched roof would be just below the ridge of the main dwelling, running perpendicular to the main dwelling ridge. It would be a significantly greater length and shallower pitch than the roof of the main dwelling. This form and depth would appear significantly at odds with and harmful to the character and appearance the host dwelling and the wider area. Visibility from the street scene would be largely limited on Stock Road, however, however, the development would be prominently visible from a number of neighbouring properties.
9. The appellant has referred me to a previously approved development (Ref: 08/293/FULL) at the appeal site property. However, I have no plans and few details of that development or the circumstances of its approval before me. Therefore, I cannot make an informed comparison between that development and the appeal proposal. However, that development would pre-date the current version of the National Planning Policy Framework (2019) (the Framework). I note the approved development at the neighbouring No. 173. However, the development appears narrower in width, shallower in depth, and the roof pitch appears more in keeping with the host dwelling and others in the area. Therefore, that extension does not justify allowing the development before me.
10. My attention has been drawn to extensions and alterations to other nearby properties, including Nos. 2 – 14 Orchard Avenue. Whilst I noted these properties, I have no information of the details and circumstances that lead to each of those alterations. Therefore, I cannot make an informed comparison between those and the development before me. Those alterations appear to have taken place some years ago before the current Framework was published.

Additionally, many alterations appear considerably different to the appeal proposals before me, for example many appear to be a shallower depth, and have a differing relationship with neighbouring properties. These alterations would not justify allowing the development before me, which in any case, I have considered on its own merits.

11. For the reasons set out above, the proposed development would be harmful to the character and appearance of the host dwelling and the area. It would conflict with paragraph 127 of the Framework and Policy DES1 of the BBRLP, which in combination and amongst other things, expects development to be sympathetic to and maintain local character, and add to the quality of an area.

Outlook

12. No 2 Orchard Avenue and its wedge shaped rear garden abuts the appeal site at an angle of approximately 45 degrees, so the rear windows would face the proposed extension but off-set at an angle of approximately 45 degrees. Although the development would be set back along the side boundary, the angle of the rear façade of No. 2 means a considerable depth of the extension would be visible from the eastern rear windows and would enclose part of the rear garden. The off-set of the first floor of the extension from the shared side boundary would provide a small degree of relief. However, at an eaves and ridge height of approximately 5.3m and 6.3m respectively, and at a close proximity, the development would appear over-dominant from the eastern rear windows and garden of No. 2. It would result in a loss of outlook that would be significantly harmful to the living conditions of the occupiers of No. 2 Orchard Avenue.
13. I have noted that no objection has been received from No. 2, however this in itself, cannot be taken as a measure of a development being harmful or not harmful. Furthermore, as the occupancy of dwellings is transient over time, what may be tolerable to one occupier, may not be tolerable to another.
14. For the reasons set out above the proposed development would result in significantly harmful living conditions for the occupiers of No. 2 Orchard Avenue by reason of being over-dominant and a loss of outlook. This would conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (September 2007) which states permission will be refused for new development which would cause material harm by reason of being over-dominant. The development would also conflict with paragraph 127 of the Framework, which requires decisions should create places that promote health and well-being with a high standard of amenity.

Conclusion

15. The proposed development would be contrary to the development plan and the National Planning Policy Framework and there are no other considerations, including the policies of the Framework, which outweigh this finding. Accordingly, for the reasons given, the appeal should not succeed.

Dan Szymanski

INSPECTOR