
Appeal Decision

Site visit made on 6 October 2020

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/V1505/D/20/3255544

3 Porchester Road, Billericay CM12 0UG

- 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 & Mrs Peter Turner against the decision of Basildon Borough Council.
 - The application Ref 20/00264/FULL, dated 22 February 2020, was refused by notice dated 21 April 2020.
 - The development proposed is described as "Two storey, part single storey rear addition".
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Decision

1. The appeal is allowed and planning permission is granted for two storey, part single storey rear addition at 3 Porchester Road, Billericay CM12 0UG in accordance with the terms of the application, Ref 20/00264/FULL, dated 22 February 2020, 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: Site Location and Block Plans Drawing No 101; Existing Floor Plans and Elevations Drawing No 102; Proposed Ground Floor Layout Drawing No 103; Proposed First Floor Layout Drawing No 104; Proposed Elevation Details Drawing No 105; and Existing and Proposed Roof Plans Drawing No 106.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Basildon Borough Revised Publication Local Plan 2014-2034 (emerging LP) was submitted for examination on 28 March 2019. In the absence of any further information about its progress, I have given it limited weight.
3. The Council advised in its appeal documents, that since the refusal of the planning application Section 1 of its Development Control Guidelines 1997 has been revoked. I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are the effect of the proposal on (i) the character and appearance of the host property and the area; and (ii) the living conditions of the occupiers of numbers 2, 4 and 6 York Road, with regard to privacy.

Reasons

5. The appeal building is one of a pair of two storey linked dwellings, situated within part of a close-knit modern housing estate. There is a mixture of dwelling types and plot sizes, set in a somewhat irregular layout.
6. The Basildon District Local Plan Saved Policies (LP) was adopted in 2007. Notwithstanding the age of the LP, I consider that the Policy BAS BE12 is broadly consistent with the National Planning Policy Framework (the Framework) particularly where it seeks to ensure good design that is sympathetic to local character.
7. No concern is raised with regard to the single storey element of the proposal and I see no reason to disagree in this respect. The proposed two storey rear extension would continue the on the same plane as the existing elevations and roof line, resulting in a merger of these elements. There would be quite significant blank expanses of brickwork within the side elevations. However, this would not be out of keeping with the original design of the building, nor is the original design of any particular architectural importance, such that its dominance should be protected.
8. The effect of the proposal would be limited in terms of its impact on the street scene, where it would be seen within the context of already dense development. Whilst there would be a reduction in the size of the external space available, the remaining rear garden area would not be so dissimilar in size to others in the vicinity such as for the site to appear cramped or to cause harm to the prevailing character of the area.
9. The proposal would bring first floor bedroom windows approximately 3 metres nearer to the shared boundary with 2, 4 and 6 York Road (Nos 2, 4 and 6). Whilst the garden area of these properties are not currently overlooked from the existing bedroom windows of the appeal property, due to the intervening tall conifer hedge, some level of overlooking between Nos 2, 4 and 6 already exists. The appeal proposal would not bring the upper floor windows so much nearer to the gardens of these properties, such as to introduce a significantly greater level of overlooking than could occur under the current arrangements, were the existing hedge to be removed. This is the case even when taking into consideration the slightly higher land level of the appeal site in relation to York Road.
10. The Council has not raised concern with the relationship between the appeal proposal and the living conditions of the occupiers of neighbouring properties either side. Given the topography of Porchester Road and the position of these neighbouring properties in relation to the appeal proposal, I see no reason to disagree.
11. For the above reasons I conclude that the proposal would not have a harmful effect on the character and appearance of the host property or the area and would not have an adverse effect on the living conditions of the occupiers of 2, 4 and 6 York Road with particular regard to privacy. Thus, the proposal would

accord with Policy BAS BE12 of the LP which seeks to ensure that new development does not harm the character and appearance of the surrounding area or residential amenity. For the same reasons the proposal would adhere to the guidance contained within the Framework.

Conditions

12. In addition to the standard time limit condition, it is necessary to impose a condition specifying the approved drawings as this provides certainty. In order to protect the character and appearance of the host property and the area, I have imposed a condition requiring matching external materials.

Conclusion

13. For the reasons given above the appeal is allowed.

S Tudhope

Inspector