



Appeal Decision

Site visit made on 22 November 2021

by P D Sedgwick BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd December 2021

Appeal Ref: APP/V1505/D/21/3277304

27 Bridleway, Billericay, CM11 1DP

- 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 Ms Claire Fox against the decision of Basildon Borough Council.
 - The application Ref 21/00457/FULL, dated 18 March 2021, was refused by notice dated 21 May 2021.
 - The development proposed is two storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for two storey rear extension at 27 Bridleway, Billericay, CM11 1DP in accordance with the terms of the application, Ref 21/00457/FULL, dated 18 March 2021, 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: 01 Existing Plans & Elevations; 02 Proposed Plans and Elevations; 03 Location Plan; 04 Block Plans.
 - 3) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. On my site visit I noted that building works are taking place on the site. For the avoidance of doubt, I have dealt with the appeal on the basis of the application as submitted.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of occupiers of No 29 Bridleway, with particular regard to outlook.

Reasons

4. The appeal site relates to a 2 storey detached house in a residential street. Houses nearby are set back from the footway with relatively deep front gardens. The host property is set back further than most, such that its rear building line is substantially deeper into the plot than that of the neighbouring dwelling No 29. As a result, its side wall is visible from the rear of No 29.

5. The Council is concerned that the proposed 2 storey rear extension would appear overly dominant with an adverse impact on neighbouring occupants. The Officer's report and decision notice make reference to the 45 degree code in reaching this conclusion.
6. As the appellant notes, the 45 degree code/rule is more commonly used to assess whether a proposal would lead to overshadowing. This is based on whether an extension would encroach a 45 degree line drawn from the centre of a neighbouring property's windows. Nonetheless, it seems logical that if a proposed development would affect the light entering rooms in a neighbouring building it would to some degree appear visually intrusive from the same windows. However, as noted by the appellant, the 45 degree line is already breached by the host dwelling.
7. Occupants of No 29 will already be used to the side wall of the host property impacting on peripheral views from their house and garden. Furthermore, mature hedges along the boundary already dominate views across to the appeal site and would largely screen the proposed development. Even if the trees were to be removed, the gap between the properties and slight angle of the extension away from the boundary with No 29 would limit the impact of the proposal. In my view it would not appear so overbearing or visually intrusive as to warrant withholding planning permission.
8. The proposed development would not therefore cause unacceptable harm to the living conditions of occupants of No 29 and there would be no conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) and Paragraph 130 of the National Planning Policy Framework (2021) which seek to prevent development that would cause harm by overshadowing or overdominance and ensure a high standard of amenity.

Conditions

9. A condition specifying the plans is necessary in the interests of clarity and a condition requiring matching materials is necessary to safeguard the character and appearance of the area.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

P D Sedgwick

INSPECTOR