

Appeal Decision

Site visit made on 21 January 2022

by R C Shrimplin MA(Cantab) DipArch RIBA FRTPI FCI Arb MCIL

an Inspector appointed by the Secretary of State

Decision date: 1 MARCH 2022

Appeal Reference: APP/V1505/D/21/3287379

Land at 31 Marlborough Way, Billericay CM12 0YH

- 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 S Chapman against the decision of Basildon Borough Council.
 - The application (reference 21/00959/FULL, dated 15 June 2021) was refused by notice dated 27 August 2021.
 - The development proposed is described in the application form as a "First Floor Side Extension".
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Decision

1. The appeal is allowed and planning permission is granted for a first floor side extension, at 31 Marlborough Way, Billericay CM12 0YH, in accordance with the terms of the application (reference 21/00959/FULL, dated 15 June 2021), subject to the conditions set out in the attached Schedule of Conditions.

Main issue

2. The main issue to be determined in this appeal is the effect of the proposed development on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or overshadowing).

Reasons

3. The appeal site is located within an extensive residential suburb in the northern part of Billericay, that is characterised by a meandering street pattern and varied relationships between the houses and the public highway. Houses are frequently constructed as semi-detached pairs or in short terraces and do not always face the highway in a conventional manner.
4. Number 31 Marlborough Way is set back from the road, behind an open area that serves as an access to a small group of homes, including three pairs of semi-detached houses, where number 31 itself forms a pair with number 29. Each of these houses has its own conventional back garden but the building that is located to the north of the appeal site has a "tandem" garden layout. This building contains two flats adjacent to number 31, numbered 33 and 35 Marlborough Way, and the flat on the upper floor has a private garden that is separated from the building itself (by the garden belonging to the ground floor

- flat). Thus, the garden to the first floor flat is reached by a narrow pathway adjacent to the side boundary of number 31.
5. The land slopes away from the roadside in Marlborough Way and the house at number 31 is set below the road level, with a garden that is set lower still. There is a very marked change in levels and the back garden at the appeal site is also set lower than the back gardens at numbers 33 and 35, which lie to its north-west.
 6. The house at number 31 has a garage attached to the side gable wall. This element has a mono-pitch roof against the gable, extending behind the main two-storey part of the rear elevation. A pathway alongside the garage provides access to the back garden.
 7. It is now proposed to add a first-floor extension above the garage, providing an additional bedroom.
 8. The 'National Planning Policy Framework' emphasises the aim of "achieving well designed places" in the broadest sense, making it plain that new development should be sympathetic to its surroundings (notably at Section 12). It is aimed at achieving good design standards generally, which includes protecting residential amenities and providing good standards of accommodation.
 9. An emphasis on the importance of good design is also to be found in the Development Plan, notably at Policy BAS BE12 of the 'Basildon District Local Plan Saved Policies' (dated September 2007), which, among other things, seeks to prevent harm being caused to the living conditions of neighbours affected by new development, including the prevention of "material harm" due to "overshadowing or over-dominance".
 10. The existing house is faced with white painted render at first floor level, with brickwork below, under a tiled roof. The new extension would be constructed of matching materials, with a new gable wall facing the side boundary. It would be constructed above the existing garage, set back from the main front elevation of the house and projecting slightly behind the first-floor rear wall, achieving an articulated elevation. Thus, the form and materials of the new extension would be in harmony with the host building and a good architectural solution would be created.
 11. The new gable wall would face the side boundary of the property alongside the back garden attached to the ground floor flat of the building next door, due to the unconventional pattern of the existing development. The new extension would increase overshadowing of the neighbouring garden and the rear of the neighbouring building. Nevertheless, it would be inset from its own side boundary, by the width of the garden path, and the neighbouring garden path would further increase the degree of separation. It would be shorter than the side elevation of the existing building and would lie to the south-east of the adjoining garden, allowing afternoon sun into the garden space.
 12. In this case the proposed development would cause some "material harm" to the living conditions of the neighbours, by visual intrusion and by "overshadowing". Even so, the effect would be limited and I have formed the view that, in this case, the impact would not impinge unreasonably on the residential and visual amenities of neighbours and would not cause

unacceptable harm to neighbours' living conditions. Thus, it would not conflict with the Development Plan as a whole or with the 'National Planning Policy Framework'.

13. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed extension would be a useful addition to the accommodation at number 31 Marlborough Way. I have concluded that the project would not cause unacceptable harm to neighbours' living conditions (notwithstanding the wording of Policy BAS BE12) and I am persuaded that the scheme before me can properly be permitted, subject to conditions. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision.
14. I have, however, also considered the need for conditions and, in imposing conditions, I have taken account of the conditions suggested by the Council in the usual way (without prejudice to their main arguments in the appeal), subject to modifications necessary, in my opinion, in the interests of clarity and enforceability. In particular, I have concluded that conditions are necessary, to define the planning permission and to ensure that quality is maintained.

Roger C Shrimplin

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - unnumbered Ordnance Survey Site Plan (1:1250);
 - unnumbered Ordnance Survey Block/Roof Plan (1:500);
 - drawing number PS 3284 (Planning Drawing – Plans, Elevations).
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.