

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: 11th March 2022

Appeal Reference: APP/V1505/D/21/3286749

Land at 20C The Rising, Billericay CM11 2HN

- 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 and Mrs Hill against the decision of Basildon Borough Council.
 - The application (reference 21/01006/FULL, dated 23 June 2021) was refused by notice dated 19 August 2021.
 - The development proposed is described in the application form as follows: "Proposed 2no. dormers in roof of flank elevation, new detached single garage and sliding vehicular access gate (Revised Application)".
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Decision

1. The appeal is dismissed insofar as it relates to the proposed new detached single garage.
2. The appeal is allowed insofar as it relates to the proposed alterations to the existing house and the proposed sliding vehicular access gate. Planning permission is granted for two dormers in the roof of the flank elevation of the house and for a sliding vehicular access gate, at 20C The Rising, Billericay CM11 2HN, in accordance with the terms of the application (reference 21/01006/FULL, dated 23 June 2021) and the plans submitted with it so far as relevant to that part of the development hereby permitted, subject to the conditions set out in the attached Schedule of Conditions.

Procedural point

3. In this case, the proposed development comprises various distinct elements which are clearly separable. Section 79(1)(b) of the Town & Country Planning Act 1990 provides that a split decision may be made where appropriate and I have considered this appeal in the light of that provision.

Main issues

4. The first main issue to be determined in this appeal is the effect of the different elements of the proposed development on the character and appearance of the host building and its surroundings. The second is their effect on the residential amenities of neighbours (whether unacceptable harm would be caused by overbearing appearance or overshadowing or intrusion on privacy).

Reasons

5. The appeal site is located in a suburban area of Billericay that is mainly residential in character but is closely built up. In the vicinity of the appeal site, the frontages are tightly developed, with some additional residential development to the rear and apparent pressure for on-street parking. The houses on the street frontage are generally traditional in style, typically with rendered elevations and pitched roofs but often having been improved and extended over the years. Indeed, number 22 The Rising, which stands immediately in front of the appeal site was undergoing building works at the time of the site visit.
6. The appeal site itself is one of a small group of dwellings that have been constructed behind the frontage properties and is reached by a driveway that is shared with number 20B. Number 20C is more modern than the frontage buildings, while making use of traditional forms, with a fairly complex set of pitched roofs above crisp rendered walls. Most of the accommodation is on the ground floor but there are some rooms at first floor level, in a “chalet bungalow” format. The house has a relatively small back garden but it has a garden area at the front which also provides space for parking, including a long strip of land adjacent to the access drive and alongside the rear part of number 22. This appears to be used as a parking area.
7. It is now proposed to undertake three separate elements of development. The first is to extend the existing house by adding two dormer windows to the roof construction, thus enlarging two existing bedrooms on the first floor. Secondly, it is proposed to construct a new detached garage on the front part of the site. In addition, it is proposed to erect a “sliding vehicular access gate” on the boundary between the appeal site and the shared access drive.
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 character of the area and to the living conditions of neighbours affected by new development.
10. The proposed side dormers would adopt the pitched roof style of the existing roofs, with dormer gables facing the boundary with number 20B and presenting a roof slope to the front elevation. The materials would match those of the existing building and the dormers would be set back from the front elevation. Thus, they would not have an intrusive impact on the composition as a whole and the scheme for the new dormers would be architecturally in harmony with the existing building. The dormers would not be overly bulky or intrusive and would not detract from the building’s overall character and appearance.

11. Although the dormers would reduce the space between the roofs of numbers 20C and 20B to some extent, their impact on the appearance of the surroundings would be very limited. Hence, the scheme would not harm the character or appearance of the wider surroundings to a material degree.
12. The same considerations would not be true of oversized dormers but the dimensions of the proposed dormers are set out clearly in the appellant's appeal statement, giving specific dimensions that will need to be complied with to ensure that the finished building is constructed in accordance with the approved elevational drawings.
13. The dormers would be constructed alongside the long flank roof of the neighbouring property and would not significantly overshadow it, nor intrude unduly on the outlook from any part of the site. The side facing windows would look towards the neighbouring building but would have only limited views, mainly of its roof. It is, nevertheless, proposed that the windows would be glazed with obscured glass, which would remove any possible objection in relation to overlooking.
14. In reaching that conclusion, I am conscious that the affected bedrooms have existing windows in the front and rear elevations of the house, respectively, and that a good standard of accommodation would be provided.
15. In short, I have concluded that the proposed dormers would not have an unacceptable effect on the character or appearance of the host building and its surroundings. I have also formed the view that this part of the project would not have an undue effect on the living conditions of neighbours. The dormers themselves would not be in conflict with planning policies, therefore, and can properly be allowed.
16. The proposed garage would be constructed on the front part of the site, alongside the shared driveway and very close to the adjoining house at number 22 The Rising. Even though it would be a relatively small building, it would be higher than normal boundary fences and would be a visually intrusive feature, creating a cramped and unattractive townscape. The garage would not significantly overshadow the adjoining house, but it would be awkward in its location and would cause real visual harm to the surrounding area, including the streetscene.
17. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed garage could be useful. Nevertheless, I am convinced that the harm that would be done to the setting of the existing houses and to the streetscene outweighs the benefits of the project, and that the garage would conflict with both national and local planning policies (including the Development Plan). This part of the proposed development ought not to be allowed, therefore (and that part of drawing 20CTRBILL/03d that shows the proposed garage is not approved).
18. Also included in the proposed development is a "sliding vehicular access gate". This would be located on the boundary with the access drive and would not be particularly contentious. It would have a minimal effect on the appearance of the surroundings and would be acceptable in planning terms.

19. In summary, I have concluded that the proposed new detached single garage would not be acceptable in accordance with relevant planning policies but that the proposed alterations to the existing house and the "sliding vehicular access gate" do not conflict with planning policies and are acceptable. 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.
20. 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) and of the submissions made in support of the appeal.
21. I am persuaded that the conditions proposed are necessary and reasonable in principle and, in particular, I have concluded that conditions are needed to define the planning permission and to ensure that quality is maintained. Specific conditions are required to ensure that the approved drawings are adhered to and that the proposed obscured glazing is properly installed and retained.

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 (so far as relevant to that part of the development hereby permitted):
 - drawing number 20CTRBILL/01 (existing plans and elevations);
 - drawing number 20CTRBILL/02d (proposed plans and elevations);
 - drawing number 20CTRBILL/03d (site layout and location plans).
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.
4. The extension hereby permitted shall not be occupied until the proposed windows at first floor level in the north (side) elevation of the extension have been fitted with obscured glazing, and no part of those windows 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 windows are installed and once installed the obscured glazing shall be retained thereafter.