



Appeal Decision

Site visit made on 1 March 2022

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 March 2022

Appeal Ref: APP/V1505/D/21/3281269

46 Perry Street, Billericay, Essex CM12 0NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Simon Hutton against the decision of Basildon Borough Council.
 - The application Ref 21/00978/PDPA, dated 15 June 2021, was refused by notice dated 10 August 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Article 3(1) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), grant planning permission for the enlargement of a dwellinghouse subject to limitations and conditions. Paragraph A.4 (7) of Class A requires that, where any owner or occupier of an adjoining premises objects to a larger rear extension, the Local Planning Authority must assess the impact of the proposal on the amenity of any adjoining premises. In this case, an objection was received from a neighbouring resident, claiming the proposal would result in a loss of light to a garden and living room and would appear physically overwhelming.

Main Issue

3. Taking the above into account, the main issue is the effect of the proposed development on the living conditions of the occupiers of any adjoining premises, with particular regard to light and outlook.

Reasons

4. The appeal building is a semi-detached bungalow with its rear elevation facing in a south-easterly direction. The proposed extension would measure 5.7m in depth and would be positioned along the boundary shared with 48 Perry Road. On account of its height and orientation along that boundary, it would cause a significant level of overshadowing of the rear garden of 48 Perry Road in afternoon hours. It would not result in any overshadowing of any other properties.

5. The gardens of the appeal site and the neighbouring bungalows either side are modestly sized, and in this context the substantial depth of the proposed extension would reduce the outlook enjoyed from the rear garden and the nearest rear facing windows of 48 Perry Road, which would be substantially enclosed. It would have less of an effect on the residents of 44 Perry Road on account of its distance from that shared boundary and the slightly higher land levels to the south-west. It would have no effect on properties to the rear due to the extent of intervening garden space.
6. The level of overshadowing and loss of outlook experienced by residents of 48 Perry Road would cause material harm to their living conditions and would therefore be unacceptable. The proposal would be contrary to the advice of Paragraph 130(f) of the National Planning Policy Framework which sets out that development should create places with a high standard of amenity for existing and future users.

Other Matters

7. It has been brought to my attention that since the submission of the appeal the appellant submitted a revised application for prior approval in respect of a single storey rear extension of similar proportions to the appeal scheme but measuring 5.6m in depth. The Council's decision notice relating to that application confirms no objections were received from the residents of adjoining properties and prior approval was not therefore required.
8. Although a rear extension measuring only 0.1m less in depth is authorised, the Council were unable to consider the effect of that development on the living conditions of any neighbouring residents. Having found unacceptable harm which would be caused by the proposal in that regard, I do not consider it appropriate to grant prior approval for the proposal, which would be materially larger than the extension authorised.
9. I note the appellant's claim that they intend to erect a 2m high fence along the shared boundary and that 48 Perry Road is currently unoccupied. However, the proposed extension would exceed 2m in height and that property is likely to be occupied in future. These matters do not therefore affect my reasoning set out above.

Conclusion

10. For the reasons given above and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

L Douglas

INSPECTOR