

Appeal Decision

Site visit made on 29 June 2022

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

an Inspector appointed by the Secretary of State

Decision date: 28 July 2022

Appeal Reference: APP/V1505/W/22/3291988
Land at 134 Mountnessing Road, Billericay CM12 9HA

- 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 M Aulak against the decision of Basildon Council.
 - The application (reference 21/01636/FULL, dated 4 November 2021) was refused by notice dated 13 December 2021.
 - The development proposed is described in the application form as the “erection of a detached single dwelling”.
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Decision

1. The appeal is dismissed.

Main issues

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

Reasons

3. In the locality of the appeal site, Mountnessing Road is a main north-south route, distributing traffic around the western part of Billericay. The road runs through a predominantly residential area, with mainly substantial homes on the frontages, in a variety of styles and house types. The appeal site is located on the eastern frontage, opposite a short cul-de-sac at The Mullions.
4. The site is located at the end of a frontage of detached houses that are set back from the roadside, on good sized individual plots, but to the north the frontage is interrupted by a belt of undergrowth that separates residential plots from the main road. Here, the dwellings do not face Mountnessing Road but are reached from Charity Farm Chase. Thus, number 17 Charity Farm Chase stands alongside the appeal site but backs onto Mountnessing Road. The appeal site backs onto the gardens of properties in Grove Road, while the main road rises up to cross a railway line to the north of the appeal site.

5. The appeal site includes a strip of vacant land, combined with part of the garden that was previously attached to number 134 Mountnessing Road. The land includes some older domestic outbuildings and other remnants of the garden use but it is somewhat unkempt and overgrown. It is noted that service pipes run under part of the land, which impose a development constraint although the development of the site would not be precluded altogether.
6. Planning permission has previously been granted for the construction of a detached dwellinghouse on the plot (in 2020) and that permission remains extant. This new proposal has been submitted, however, seeking permission for an alternative house design on the site.
7. The 'National Planning Policy Framework' (which was revised in July 2021) emphasises the aim of "achieving well designed places" in the broadest sense (notably at Section 12), while making effective use of land and encouraging economic activity. New development ought to be sympathetic to local character and history, although it is also recognised that appropriate change may include increased densities. Nevertheless, the aim of achieving good design standards includes protecting existing amenities as well as providing good standards of accommodation in new dwellings.
8. Development Plan Policies share the principles that are set out in the 'National Planning Policy Framework'. In particular, Policy BAS BE12 of the 'Basildon District Local Plan Saved Policies' (dated 2007) sets out broad development control criteria. These include a requirement for new development to respect the character of the surrounding area, including the streetscene, as well as protecting neighbours' residential amenities.
9. The proposed new house would be a substantial dwelling, with three bedrooms on the first floor and an additional room at second floor level (in the roof space). The land rises up from the roadside in Mountnessing Road and the new building would be a substantial feature in the streetscene. The roof form would be somewhat awkward, making use of different pitches and a flat roofed area at the ridge line, increasing the dominance of the building. Nevertheless, the design would be broadly in keeping with the range of designs that exist in the area and it would not be so obtrusive that it would have a materially adverse impact on the character and appearance of the surrounding area.
10. The proposed new house would present a significant bulk to the side boundaries (to the north and south respectively) but it would be set back from both boundaries. The plot layout is undeniably awkward (with number 134 Mountnessing Road and number 17 Charity Farm Chase effectively facing in opposite directions), while the new building would be located to the south of the garden area at number 17 Charity Farm Chase. Nevertheless, the new house would be reasonably well located in the circumstances and it would not impinge unduly on the outlook from the properties at either side, or on their privacy.
11. On the other hand, the new house would have a marked effect on number 17 Grove Road to the rear. The new house would be located close to its own rear boundary and its main rear elevation would directly face the rear of the existing house to the east. Although some existing houses in the vicinity are

nearer to each other, this direct view between primary elevations would be unduly intrusive, in my view. The new building would have an unacceptable effect on the outlook from the rear garden of number 17 Grove Road, which would feel hemmed in by the new large building so close to its own rear boundary.

12. Moreover, the new house would give rise to significant overlooking of the neighbouring private garden space. Rear facing windows at first floor level in the new house would be set very close to their own rear boundary and would look down into the neighbours' garden in a very intrusive way.
13. Evidently, the appeal site lies within an established urban area, which is "sustainable" in planning terms, and the proposed development would make a useful contribution to the provision of new houses in the area, even though planning permission has already been granted for an alternative scheme.
14. Nevertheless, I am convinced that the project would have an unacceptable impact on the residential amenities of neighbours by its overbearing appearance, close to the back garden fence, and by the effect of first floor windows on privacy. Nor would it be possible to mitigate the impact on privacy by imposing a requirement for obscured glazing, since that would generate unsatisfactory living conditions for occupiers of the new property itself.
15. I am conscious that the Council are unable to demonstrate a five-year housing land supply for the area. Nevertheless, I remain convinced that the adverse impacts on neighbours' amenities would significantly and demonstrably outweigh the benefits of the scheme, especially in the light of the fact that the extant planning permission already appears to be capable of implementation.
16. Hence, I have concluded that the scheme before me would conflict with both national and local planning policies (including the Development Plan) and that it ought not to be allowed. Although I have considered all the matters that have been raised in the representations (including the traffic and highway implications), I have found nothing to cause me to alter my decision.

Roger C. Shrimplin

INSPECTOR