



Appeal Decision

Site visit made on 11 April 2023

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25th April 2023

Appeal Ref: APP/V1505/D/23/3314644

46 Oakwood Drive, Billericay, CM12 0SA

- 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 Paul Mason against the decision of Basildon Borough Council.
 - The application Ref 22/01262/FUL, dated 1 September 2022, was refused by notice dated 29 December 2022.
 - The development proposed is dormer windows in garage roof for use of first floor as office.
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Decision

1. The appeal is allowed and planning permission is granted for dormer windows in garage roof for use of first floor as office at 46 Oakwood Drive, Billericay, CM12 0SA in accordance with the terms of the application, Ref 22/01262/FUL, dated 1 September 2022, 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 approved plans numbers 1742.01 Proposed garage plans and elevations, 1742.PL02 Proposed garage elevations, 1742.03 Location plan, and 1742.PL01 Proposed garage conversion 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 development hereby permitted shall only be used for purposes ancillary to the use of the dwellinghouse and shall not be used as an independent unit of accommodation.
 - 5) The windows in the proposed rear dormer shall be obscurely glazed to a minimum privacy level 3 and thereafter be permanently maintained.

Preliminary matters

2. I note that the appeal application form described the proposed development as "Conversion of existing garage to form office in existing garage loftspace, and new access stair in garage". This was changed in the officer's report on the application, and in the council's decision notice, to the description that I have used in the heading above, with my own addition of the word 'roof'. I consider that this description better identifies the nature of the development before me.

Main Issue

3. The main issue in this case the effect of the proposed dormer on the character and appearance of the dwelling and the local area.

Reasons

4. The Council adopted the "Basildon District Local Plan Saved Policies" in September 2007. The relevant policy in this case is saved policy BAS BE12 (Development Control), the relevant part of which states "*Planning permission for new residential development, and for the alteration and extension of existing dwellings, will be refused if it causes material harm in any of the following ways:- (i) harm to the character of the surrounding area, including the street scene;*". This policy is supplemented by guidance in the Essex Design Guide. These follow the policies in the National Planning Policies Framework (the Framework) that place importance on the need for high quality design in new development, and that poor design should be refused.
5. The appeal property is a detached, two and a half storey, 5-bedroom house located at the south-eastern end of Oakwood Drive, a residential cul-de-sac that backs onto the Mayflower High School site in Billericay. The property has two bonnet front dormers, a single storey rear projection and a detached garage. The initial 60m of Oakwood Drive is a shared access with Mayflower High School, which is located to the south. The appeal site is at the end of the estate, with the subject garage predominantly hidden from view as a result of the narrow road of Oakwood Drive, the close proximity of dwellings and outbuildings and the positioning of No.46 Oakwood Drive. No.46 is approximately 15.5m forward of the front elevation of the garage. To the rear of the site are the playing fields of Mayflower High School, with the closest residential properties directly to the rear, being over 225m to the southeast, beyond the playing fields and a wooded area. The playing fields are bordered by a hedge and tree line. The buildings of Mayflower High School are located 175m to the southwest of the site and again screened by trees.
6. The council considers that the proportions, scale, bulk, appearance and siting of the proposed two bonnet dormers are acceptable as they would assimilate with the character and appearance of the host dwelling, and would not harm the character and appearance of the host dwelling or the surrounding streetscene where there are other similar examples of front bonnet dormer windows in garages.
7. However, the council has concerns regarding the proposed rear box dormer. It states that for many years it has sought to resist box type dormers in the roofs where it has had control, due to their unsightly appearance and their overdominance within the roof plane. The proposed rear box dormer, it states, would not have adequate roof margins and would dominate the rear roof slope, failing to exhibit any subtlety to creating a loft conversion in this setting. At the scale proposed the dormer would appear overly large, dominant and incongruous, lacking subservience and detracting from the simple proportions of the existing garage.
8. The applicant considers that the internal layout would not work with a pair of bonnet dormers, as the council has suggested, because there would be insufficient headroom for the staircase or space for the W/C.

9. I consider that the approach of the council towards box dormers is entirely justified as a general policy, that would be applicable in most situations. However, in this case, there are circumstances whereby relaxation can be considered. Firstly, the roof of the garage is lower than the roofs of the 2-storey houses in the immediate vicinity, and lower than would be the case in bungalow development. The roof of the garage is also much smaller than would normally be found on a dwelling. Secondly, the outlook from the garage is across extensive school playing fields, with the garage being fairly remote from the outlook of the rear gardens of houses, all of which have their backs facing in the direction of the appeal site. The only persons who would have any sort of view of the subject dormer from reasonably close proximity would be users of the playing field, and this in the context of the garage being situated adjacent to a far corner of the field. In such circumstances I doubt that a box dormer on this garage would attract any real attention from such persons. Thirdly, there are hedges and trees on the boundary of the playing field; whilst screening, or being mostly out of sight, is not a good reason of itself justifying inappropriate design, in this case it adds to the conclusion that the box dormer would not materially impact on the character and appearance of the host dwelling, or appear out of character with the surrounding locality, and the character and appearance of the local area.
10. For these reasons I will allow the appeal.

Conditions

11. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested a number of conditions in the event that the appeal is upheld. I have considered these in the light of Planning Practice Guidance (PPG). I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted; condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner; condition 4 is to ensure that the garage is not used as accommodation independent of the host dwelling; and condition 5 is to avoid over-looking of the school playing field.

Terrence Kemmann-Lane

INSPECTOR