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## Appeal Decision

Site visit made on 21 August 2023

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 14<sup>th</sup> September 2023**

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**Appeal Ref: APP/V1505/D/23/3323891**

**75 New Century Road, Laindon, Basildon SS15 6AQ**

- 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 Mrs Hayley Wilson against the decision of Basildon Borough Council.
  - The application Ref 22/01686/FULL dated 28 November 2022, was refused by notice dated 22 May 2023.
  - The development is proposed part single, part two storey rear extension, outbuilding and alterations to the front elevation.
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### Decision

1. The appeal is dismissed insofar as it relates to the part single and part two storey rear extension.
2. The appeal is allowed insofar as it relates to the outbuilding and alterations to the front elevation and planning permission is therefore granted for outbuilding and alterations to the front elevation at 75 New Century Road, Laindon, Basildon SS15 6AQ in accordance with the terms of the application, Ref 22/01686/FULL dated 28 November 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2955/02/42 1 of 1 and 2955/02/42 2 of 2.
  - 2) The materials to be used in the construction of the external surfaces of the alterations to the front elevation hereby permitted shall match those used in the existing building.

### Procedural Matters

3. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.
4. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

5. At the time of my site visit I observed that works had commenced at the site in relation to the outbuilding. I understand that planning permission was previously approved<sup>1</sup> for a part single, part two-storey rear extension, loft conversion and hipped roof outbuilding in the rear garden. The previously approved part two storey extension and outbuilding dimensions are the same as the appeal proposal.

### **Main Issues**

6. The Council did not raise concern with regard to the outbuilding and alterations to the front elevation, from the information I have before me I do not disagree. Whilst the Council have not raised concern with the part two storey extension this is impossible to consider in isolation from the single storey rear extension as it is not physically separate from it.
7. The main issues in this appeal are the effect of the part single and part two storey rear extension on (i) the character and appearance of existing property; and (ii) the living conditions of the occupiers of No. 73 New Century Road.

### **Reasons**

#### *Character and Appearance*

8. The appeal site is a modest detached property within a predominantly residential property. The surrounding area comprises a mixture of property designs.
9. The proposed extensions would add mass to the existing property; however, due to the low level design and limited public views the proposed development would not be obvious. Whilst large the proposed development would not be discordant with the property.
10. I conclude that the proposed part single and part two storey rear extension, would not harm the character and appearance of the existing property. There is no conflict with Policy BAS BE12 of the Basildon District, Local Plan Saved Policies (September 2007) (the Local Plan) which amongst other things seeks to ensure developments do not harm the character of an area. I find no conflict with the Framework, which seeks to ensure good design of developments.

#### *Living Conditions*

11. The proposed part two storey extension is similar to that previously approved, in isolation there is no harm to the living conditions of the neighbouring properties. The single storey element of the proposal would extend 8m from the rear of the existing property at a height of 2.8m. No. 73 New Century Road has a modest rear extension to the rear, set off the shared boundary. A patio area wraps around the extension to the rear elevation of the main property.
12. The increase in mass of the built form from that previously approved, extending substantially beyond the main rear elevation of the neighbouring property close to the shared boundary, adjacent private amenity space would cause a tunnelling effect to No. 73. The development would be overbearing to

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<sup>1</sup> Application Ref: 21/00443/FULL

the adjacent occupiers and due to orientation of the proposed extension overshadowing would also occur.

13. There is conflict with Policy BAS BE12 of the Local Plan which amongst other things seek to protect the amenities of occupiers of neighbouring properties. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

### **Other Matters**

14. It has been brought to my attention by the Appellant that an 8m single storey rear extension in isolation would be permitted development under The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Notwithstanding this without demonstrable evidence, such as a prior approval confirming that such an extension could be built, I cannot be sure that this is possible, as such I give this limited weight.
15. The Appellant has brought to my attention issues relating to the build of the previously approved scheme, whilst I sympathise with the situation this does not justify the approval of the proposed development.

### **Conclusion and Conditions**

16. For the reasons given above, I find the proposed outbuilding and alterations to the front elevation is clearly severable both physically and functionally from the part single and part two storey rear extension. I conclude that the appeal should succeed in relation to the outbuilding and alterations to the front elevation.
17. Whilst I have found that the proposed part single and part two storey rear extension would not harm the character and appearance of the existing property, this does not outweigh the harm I have identified in relation to the living conditions of occupiers at No. 73 New Century Road. In relation to the part single and part two storey rear extension, the appeal should be dismissed.
18. In respect of the outbuilding and alterations to the front elevation I have attached a plans condition as this provides certainty. I have also added conditions concerning materials relating to the alterations to the front elevation to ensure a satisfactory appearance.
19. As the outbuilding has commenced development the standard time limit condition is not necessary.

*C Pipe*

INSPECTOR