



Appeal Decision

Site visit made on 5 March 2024

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/V1505/D/23/3326687

9 Needham Close, Billericay, Essex, CM11 1LQ

- 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 & Mrs C Ottley against the decision of Basildon Borough Council.
 - The application Ref 23/00544/FULL, dated 20 April 2023, was refused by notice dated 13 June 2023.
 - The development proposed is single side extension and replace existing first floor window with new french doors.
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Decision

1. The appeal is allowed and planning permission is granted for single side extension and replace existing first floor window with new french doors at 9 Needham Close, Billericay, Essex, CM11 1LQ in accordance with the terms of the application, Ref 23/00544/FULL, dated 20 April 2023, 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 following approved plans: 4000-1; 4000-2B (Rev B); 4000-3B (Rev B); DRG 4 and DRG 5.
 - 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) No development shall take place until all existing trees shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS5837:2012 – Trees in relation to design, demolition and construction – Recommendations. No materials, supplies, plant or machinery shall be stored, parked or allowed access beneath the branch spread or within the exclusion fencing.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was revised in December 2023. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 7 Needham Close with particular reference to privacy.

Reasons

4. The appeal property is a detached two storey dwelling with a bedroom and ensuite within its original roofspace. It is located within a cul-de sac comprising of semi-detached and detached dwellings of a similar design and appearance.
5. The existing loft space is served by windows in each flank elevation, both measuring around 1m in height and 0.9m wide. The proposal is to replace the existing window on the south-western elevation with full length French doors, with an opening width of about 1.3m. A Juliet style balcony is also proposed.
6. The existing window is clear glazed. Whilst there is a double garage between the flank elevation of 9 Needham Close and the front elevation of 7 Needham Close, the ground and first floor habitable room windows on the front elevation of No 7 are within the line of sight from the window. Views across the adjacent car park serving the Billericay St Andrews Centre are also obtainable.
7. The proposed French doors would be approximately 0.4m wider than the existing window opening. Given that the windows on the front elevation of No 7 are already visible from the existing window, I am not convinced that the slightly wider opening would give rise to any additional material overlooking of the frontage of No 7.
8. The French doors would have a height of around 2.10m. The Juliet style balcony would be a safety feature and would be flush with the main wall of the dwelling such that it would not provide any external seating area. Views from the additional lower glazed section would be partly restricted by the roof of the double garage and I am satisfied that the deeper opening would not result in any material additional overlooking of No 7.
9. I concur with the Council that the proposed side infill extension is of a visually acceptable design and would not result in harm to the living conditions of any adjacent occupiers.
10. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupiers of 7 Needham Close with particular reference to privacy. Thus, I find that the proposal complies with Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) and paragraph 135(f) of the National Planning Policy Framework (2023) which together seek to ensure that development does not result in material overlooking and provides a high standard of amenity for existing and future users.

Conditions

11. In addition to the standard 3 year implementation condition, the approved plans condition is imposed for clarity. I have also imposed a condition requiring materials to match those of the existing dwelling to protect visual amenity. I shall also impose a condition as suggested by the Council requiring tree protection in the interests of the visual amenities of the area.

Conclusion

12. For the reasons given above I conclude that the appeal should be allowed.

J Davis

INSPECTOR