



Appeal Decision

Site visit made on 8 October 2024

by Robert Naylor BSc (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th October 2024

Appeal Ref: APP/V1505/D/24/3341043

303 Witchards, Basildon, Essex SS16 5BN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Darren Grgorenko-Upton against the decision of Basildon Borough Council.
 - The application Ref is 23/01392/FULL.
 - The development proposed is described as raise roof ridge height and rear box dormer.
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Decision

1. The appeal is allowed, and planning permission is granted for the development described as raise roof ridge height and rear box dormer at 303 Witchards, Basildon, Essex SS16 5BN in accordance with the terms of the application, Ref 23/01392/FULL, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos SS16-LOC01 and SS16-EX01 entitled Proposed Plans, Elevations and Section.
 - 3) The external materials of the extension hereby permitted shall match those used in the existing dwelling.

Preliminary Matters

2. The description of development cited in the planning application form differs to that contained within the decision notice and appeal form. There is no evidence that this change was formally agreed. The latter more accurately reflects the scope of the proposed plans which were submitted, consulted upon, determined by the Council and are now the subject of this appeal. As no parties' interests would be prejudiced, in the interests of clarity I rely upon that latter description for the purposes of the heading above and paragraph 1 of my Decision.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement, which is a material consideration, the changes to the Framework can only be given limited weight at this stage, given that no final document has been published.
4. In any event, the policies that are material to this decision are not subject to any fundamental changes, and I am satisfied that this has not prejudiced any

party. Consequently, in reaching my decision I have therefore had regard to the Framework as published in December 2023, and any reference to paragraph numbers are to this version.

Main Issue

5. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

Character and appearance

6. The appeal site is located in Witchards in Basildon, a suburban area, with a distinct character made up of mainly terraced properties exhibiting gable and hipped roofs toward the street. Whilst there is slight variation in the style and materials used on the external facades, there is nevertheless a cohesive and rhythmic pattern to the front of the properties in the immediate area. The appeal site is a mid-terrace property, and the layout of the estate provides views of the roof of the house from the front and rear of the property.
7. The appeal proposal seeks to raise the ridge height and provide an almost full width dormer to the rear roof slope with a small rooflight window to the front. The existing terrace is located on an undulating piece of land with the topography sloping down and away from north to south. Consequently, there is not a consistent ridge line on this terrace with the properties at Nos 305 and 307 Witchards set at a higher level. The proposal would raise the ridge line to match that of the adjoining property. Whilst the proposal would create additional height at the roof level, there would only be a modest increase and given the existing variation in the ridge line, it would not appear out of keeping in the surrounding area.
8. The overall size and bulk of the dormer extension at the rear would be substantial in proportion to the existing building. The dormer would extend almost the whole width of the roof apart from some set back from the edges. It would therefore appear as a conspicuous feature somewhat at odds with the host building. Be that as it may, the bulk would be mostly contained within the existing footprint of the roof at the rear and, apart from a modest increase in ridge height would not have a significant effect on the street scene. Furthermore, materials could be conditioned to ensure they protect the character and appearance of the host building and surrounding area.
9. The appellant draws my attention to other dormer roof extensions in the vicinity, notably at Nos 98 and 119 Witchards. However, I have been presented with little substantive evidence relating to their planning history or any planning policy in place at the time when these extensions were built, thus I am unable to directly compare these examples.
10. The appellant also refers to a potential fallback position in respect to a similar sized dormer extension being constructed under permitted development rights. However, I have not been provided details of a formal certificate of lawfulness. As such, in regard to this alternative scheme I cannot be sure that there would be a greater than theoretical possibility that this development might take place as a realistic or probable alternative. I therefore give limited weight to this as a fallback option.

11. Nevertheless, I would conclude that the height and scale of the proposal would not harm the character and appearance of the host property or the immediate area. As such, the proposal would accord with the relevant provisions of Policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007, which amongst other things, seeks to prevent alterations and extensions to residential development from harming the character of the surrounding area including the street scene. It would also accord with the Framework which amongst other things, seeks to secure high quality design, whilst taking into account the local character and reflecting the local surroundings and materials.

Other Matters

12. I have had due regard to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty (PSED) under the Equality Act 2010. The residents have a protected characteristic for the purposes of the PSED. Article 8 of the HRA requires that decisions ensure respect for private and family life and the home. In reaching my decision, I have kept these interests at the forefront of my mind. However, these are qualified rights and interference may be justified where in the public interest. The concept of proportionality is key.
13. The proposal would provide additional needed accommodation in the roof space allowing the family to continue to reside in the existing family home. Whilst it is acknowledged that alternative living arrangements could be sought, this would be at the expense of the family's settled home life, and possibly losing communication and cultural barriers to which they currently benefit and enjoy. Having regard to these matters, I attach considerable weight in favour of the appeal scheme to the considerations raised.

Conditions

14. To meet legislative requirements, a condition is imposed to address the period for commencement. A condition is imposed to ensure that the development is carried out in accordance with the approved plans, in the interests of certainty. A condition is also necessary to ensure that materials match the existing property and protect the character and appearance of the host building and surrounding area.

Conclusion

15. For the reasons given above, having regard to the development plan as a whole, and all other relevant material considerations, I conclude that the appeal should succeed.

Robert Naylor

INSPECTOR