



Appeal Decision

Site visit made on 6 January 2025

by **Nicola Davies BA DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/Z1585/D/24/3348734

5 Welbeck Drive, Langdon Hills, Basildon, Essex SS16 6BU

- 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 Woolger against the decision of Basildon Council.
 - The application Ref is 24/00414/FULL.
 - The development proposed is rear first floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

3. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the adjoining occupiers at No.3 Welbeck Drive.

Reasons

4. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives. The addition of a second storey to the existing single storey rear extension would create a development of significant size and height in close proximity to No.3. The resulting two storey rear projection would be extremely dominant in the outlook from the rear habitable living space within the neighbouring property, as well as from their outdoor living space and conservatory at the rear of the dwelling. The visually overbearing impact of this addition in such close proximity to the adjoining property would diminish the enjoyment of the residential living environment for the neighbouring occupiers. This would harm the enjoyment the existing occupiers should reasonably expect to enjoy.
5. The Council also raises concern within the officer's delegated report with regard to overshadowing but this issue has not been specifically referred to in the Council's reason for refusal. The extension would be positioned east of No.3. Taking into account the orientation of the sun some overshadowing of No.3 would take place but this would only be for a relatively short period of the day. I do not consider

overshadowing would be so substantial as to cause harm to the living conditions of the existing neighbouring occupiers.

6. I have been directed to other examples of two storey extensions that are said to have been granted planning permission at properties nearby. The acceptability of those other developments will depend on the individual circumstances of those sites. Other two storey development in the locality does not justify other development where harm would result. This proposal can and should be considered on its own individual merits.
7. For this reason, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers at No.3 Welbeck Drive. The proposal would, therefore conflict with Policy BAS BE12 of the Basildon District Local Plan 2007 and the provisions of the Framework. That policy seeks, amongst other matters, residential development, including alterations and extensions of existing buildings, not to cause material harm as a result of over-dominance.

Conclusion

8. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR