



Appeal Decision

Site visit made on 12 February 2025

by **C J Leigh BSc(Hons) MPhil MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 10 March 2025

Appeal Ref: APP/V1505/W/24/3351761

6 Horace Road, Billericay, Essex, CM11 1AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Martin Windsor against the decision of Basildon Borough Council.
 - The application Ref is 24/00155/VAR.
 - The application sought planning permission for alterations and extensions to existing bungalow to form two storey dwellinghouse and part single and part first floor rear extension without complying with a condition attached to planning permission Ref 23/00068/FULL, dated 13 June 2023.
 - The condition in dispute is No. 2 which states that: The development hereby permitted shall only be carried out in complete accordance with the following approved plans: (22) 07/11 EX01 and (22) 07/11 PL01 Revision D.
 - The reason given for the condition is: For the avoidance of doubt and in the interest of proper planning.
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Decision

1. The appeal is allowed and planning permission is granted for alterations and extensions to existing bungalow to form two storey dwellinghouse and part single and part first floor rear extension at 6 Horace Road, Billericay, Essex, CM11 1AA in accordance with the application Ref 24/00155/VAR, without compliance with condition number 2 previously imposed on planning permission Ref 23/00068/FULL dated 13 June 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall only be carried out in complete accordance with the following approved plans: (22) 07/11 EX01 and (22) 07/11 PL01 Revision E.
 - 3) The external surfaces of the development hereby approved shall be constructed of materials and finish as detailed within the application, unless otherwise agreed in writing by the local planning authority.
 - 4) The windows in the first-floor flank walls shall be obscurely glazed to a minimum privacy level 3. These qualities should thereafter be permanently maintained.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area.

3. Planning application 23/00068/FULL allowed extensions to the property which would have a staggered side elevation on the boundary with No. 8 Horace Road, whereby the first floor does not align with the ground floor elevation, so as to provide a distance of 1m to No. 8 at first floor.
4. The proposed alteration to the approved drawings would remove this set-in at first floor, hence leading to a 0.59m gap. The alignment with the ground floor is said by the appellant to improve construction work and avoid complex steelworks and foundation strengthening.
5. I saw at my site there is a very diverse character to the road. Two storey houses sit next to bungalows and other two storey houses, with differences in roof pitches, gable frontages, bay windows, use of materials, dormer windows, and the spacing between buildings at both ground and first floor. There have been a number of recent developments in the area.
6. Within this mixed character I saw a number of properties which lie close to their boundaries, and have limited spacing to their neighbours. Due to the wide diversity in form and appearance of houses, this pattern of development does not lead to a cramped or terraced form of housing in the area; it is part of the character of the area as it has evidently evolved over the years.
7. I acknowledge that the Council's requirement in the approved application was to provide a larger gap at first floor. However, in my judgement from viewing the site and wider area, spacing to that degree is not crucial to ensuring the form of extensions to the appeal property accords with the character of that area. The smaller gap that would be created by the amended plans would still result in an extended house that fits comfortably within the street scene, and responds appropriately to the context of neighbouring houses and the wider locality.
8. Policy BAS BE12 requires extensions to existing dwellings to not materially harm the character of the surrounding area, including the street scene. The proposed development would not lead to any material harm, and hence the appeal is allowed.
9. I have attached the previous conditions to this grant of permission in the interests of securing a satisfactory appearance to the development, and to ensure no harm to the living conditions of adjoining occupiers.

C J Leigh

INSPECTOR