
Appeal Decision

Site visit made on 14 October 2025 by J Kirkaldy BSc (Hons) PGDip MRTPI

Decision by Alexander O'Doherty LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th December 2025

Appeal Ref: APP/V1505/D/25/3371914

16 Windmill Heights, Billericay, Essex CM12 9QY

- 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 Ms Georgia Coker against the decision of Basildon Borough Council.
 - The application ref is 25/00548/FULL.
 - The development proposed is described on the application form as, "Proposed rear dormer for additional bedroom and bathroom space".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. Differing to the description of development in the banner heading above, the Council's decision notice accurately describes the development as shown on the supporting plans as, "Proposed rear dormer and alterations to fenestration". This description has been used in the consideration of the appeal since it best describes the proposed development in precise and concise terms.

Main Issues

4. The main issues are the effect of the proposal on a) the character and appearance of the host dwelling and surrounding area and b) the living conditions of the occupiers of 17 and 17A Crays View (Nos 17 & 17A), with particular regard to privacy.

Reasons for the Recommendation

Character and appearance

5. The appeal site comprises a two-storey semi-detached dwelling. Windmill Heights is a cul-de-sac which steadily inclines from Langham Crescent. It is located within a residential area characterised by predominately terraced and semi-detached dwellings that are relatively consistent in terms of their original design and appearance, although several of the properties have side extensions of varying heights.

6. The dormer would extend close to the roof ridge and would be set in slightly from the eaves. It would result in a substantial addition to the roof plane with only narrow peripheral parts of the existing sloping roof remaining. It would fail to achieve an appropriate degree of subordination to the host dwelling given its scale, siting and design.
7. The dormer would be visible at the rear from surrounding dwellings. As part of a pair of semi-detached dwellings, it would unbalance the roofscape and rear elevation to the detriment of the defined character of the pair.
8. I observed that the surrounding roofscape remains largely unaltered with the exception of solar panels on front-facing roof slopes on some properties. The side elevation of the host dwelling is apparent within the street scene due to its orientation, elevation and forwards position in relation to that of the neighbouring properties at 12 and 14 Windmill Heights. The dormer would appear as a visually incongruous feature at odds with the established pattern of development in the locality.
9. Whilst the use of matching materials and fenestration would contribute to assimilating the proposal into the roof space of the host dwelling, these aspects do not overcome the adverse effects outlined above.
10. The appellant refers to the surrounding roofscape, referring to side extensions, transverse gable features, and a small flat-roofed dormer at 7 Crays View (No 7) and on other dwellings along Bell Hill Close. Side extensions and transverse gable features are different forms of development to that proposed and therefore are not directly comparable. I have no details of the planning history for the existing dormer extension at No 7 or for those on the dwellings along Bell Hill Close to know whether planning permission was required for them and, if so, the reasons why permission was granted. In any event, it has not been demonstrated that these developments are comparable with the proposal in terms of their size and scale. These examples do not change my findings on this main issue.
11. I note that the appellant has previously applied for a certificate of lawfulness for a proposed rear dormer window (reference: 25/00226/LDCP) which was refused by the Council as permitted development rights as set out in Schedule 2, Part 1, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) have been removed. Whilst the appellant contends that the proposal would comply with the criteria and conditions of permitted development, this does not set a precedent for development which would be inappropriate in this location for the reasons set out above.
12. The Council have raised no concerns regarding the proposed alterations to fenestration. Having visited the site and considered the proposal before me, I have no reason to disagree with the Council.
13. The proposal would cause unacceptable harm to the character and appearance of the host dwelling and surrounding area. It would conflict with part i. of Policy BAS BE12 of the Basildon District Local Plan Saved Policies (2007) (Local Plan), which provides that, amongst other things, planning permission for the alteration and extension of existing dwellings will be refused if it causes material harm to the character of the surrounding area, including the street scene.

Living conditions

14. The rear elevation of the host dwelling is situated approximately 30 metres from the rear elevation of the neighbouring properties at Nos 17 & 17A, which are situated at a higher ground level to that of the appeal site. I agree with the Council that direct overlooking into habitable rooms is unlikely due to the intervening distance of separation.
15. The Council have raised concern that given the height of the dormer and the shallow depth of the rear garden for the appeal site, the proposal would result in overlooking into the rear gardens of these properties. However, the host dwelling already has rear-facing windows at first floor level. Any additional overlooking would accordingly be minimal. It would not cause any demonstrable harm.
16. The Council refer to the Essex Design Guide (2018) which advises a minimum separation distance of 15 metres from rear boundaries where rear-facing developments are parallel to existing properties. However, this guidance appears to pertain to the construction of new residential dwellings as opposed to extensions and alterations.
17. The proposal would not have a materially harmful effect on the living conditions of the occupiers of Nos 17 & 17A, with particular regard to privacy. Therefore, it would accord with Policy BAS BE12 of the Local Plan which provides that, amongst other things, planning permission for the alteration and extension of existing dwellings will be refused if it causes material harm via overlooking.

Other Matters

18. The finding on the 2nd main issue above, in relation to living conditions, is a neutral matter, which does not weigh in favour of the proposal.
19. I recognise that the appellant has a growing family and therefore requires more living accommodation. However, such personal circumstances seldom outweigh general planning considerations. I also note the appellant's contention that no formal objections have been received from the public to the proposal. In any event, the absence of an objection does not in itself mean the proposal is acceptable. However, these matters do not outweigh the significant harm I have identified to the character and appearance of the host dwelling and surrounding area.

Conclusion and Recommendation

20. The proposed development conflicts with the development plan taken as a whole. For the reasons given above, and having regard to all other matters raised and to the approach in the National Planning Policy Framework, I conclude that the appeal should be dismissed.

J Kirkaldy

APPEAL PLANNING OFFICER

Inspector's Decision

21. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Alexander O'Doherty

INSPECTOR