



Appeal Decision

Site visit made on 28 January 2026

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th February 2026

Appeal Ref: APP/V1505/W/25/3376218

47 Brackendale Avenue, Basildon, Essex SS13 3BE

- 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 Christine Emmanuel-Abundance against the decision of Basildon Borough Council.
 - The application Ref is 24/01155/FULL
 - The development proposed is demolish the existing building and construction of 2no self-build semi-detached houses.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have taken the description of the proposed development from the Council's decision notice. The description on the planning application form was 'demolish the existing building and construct a semi-detached house'. It is clear from the plans that a pair of semi-detached houses is proposed, and the Council's description more accurately reflects that.

Main Issues

3. The main issues are:
 - the effect of the proposal on the character and appearance of the area,
 - the effect on living conditions for occupiers of neighbouring properties, and
 - whether suitable living conditions would be provided for future occupiers, with reference to the provision of private amenity space.

Reasons

Character and appearance

4. The appeal site is in a residential street within a built-up area and currently contains a detached chalet bungalow. There are semi-detached bungalows to either side, and several more bungalows and chalet bungalows nearby, particularly in the downhill direction. There is also a short row of detached two storey houses opposite, rising up the hill, and others further along the street in both directions.
5. Within this varied street scene, there are examples of two storey dwellings which directly adjoin neighbouring bungalows. In some cases, a single two storey house interrupts a row of single storey properties, disrupting the roofscape and

introducing a variety of building scale and form. Although plot widths are relatively consistent, the mix of detached and semi-detached dwellings means that there is not a particularly regular rhythm to the street scene. However, there is a sense of space between neighbouring buildings in most cases. In particular, the two storey dwellings in the upper part of the street, near the appeal site, are well spaced apart, generally having steep, sloping roofs to the flank elevations and single storey elements to one side. Those features introduce space between neighbouring dwellings, which prevents the larger, two storey properties from dominating or jarring with their more modest neighbours.

6. The pair of semi-detached dwellings proposed on the appeal site would have a deep footprint, on two full storeys, with substantial flank elevations rising to a gabled roof. As well as being on relatively narrow plots, the dwellings would lack the steep, side-facing roof slope or single storey elements which introduce space around and between most of the other two storey properties.
7. Both of the neighbouring properties are modest bungalows with fully hipped roofs, so the contrast in massing and design would be stark. The more bulky and dominant form of the proposed dwellings would be particularly jarring in views from the south, where they would be on higher land, elevated conspicuously above the neighbouring bungalow. Since the large dormer would be at the rear, it would not be a dominant feature in public views of the site. However, it would be visible from the side, above the lower roofs of the adjacent bungalows, and would add to the excessively dominant massing of the proposed dwellings.
8. Other existing dwellings have been extended, including some with roof extensions and/or rear extensions apparently allowed through the prior approval process. However, these do not have such a dominant, fully two storey form, or a similarly harmful effect on the streetscape. The existing chalet bungalow may require modernisation, but it sits comfortably alongside its neighbours. Therefore, there would be no benefit to the streetscape from its replacement with more imposing dwellings of a less suitable form. The proposed external materials and bow windows would reflect detailing found elsewhere in the street, but that would not adequately mitigate the harm arising from the scale and form of the dwellings.
9. I conclude that the proposed development would be harmful to the character and appearance of the area. It would conflict with Policy BAS BE12 of the Basildon District Local Plan Saved Policies 2007 (the Local Plan) which states amongst other things that planning permission for new residential development will be refused if it causes material harm to the character of the surrounding area, including the street scene. It would also conflict with the approach in the National Planning Policy Framework (the Framework) to achieving well-designed places, which includes in paragraph 135 that developments should be sympathetic to local character, including the surrounding built environment.

Living conditions – neighbouring properties

10. The second reason for refusal refers to the effect on neighbouring properties, without specifying which would be affected. However, the Council's Officer Report focusses on the effect of the development on light at rear windows of the dwellings immediately to the north and south and the effect of the proposed side-facing windows on privacy.

11. The dwellings would be directly to the south of no. 45 Brackendale Avenue, which has a narrow single storey extension at the rear. Currently, the rear elevation of the chalet bungalow is in line with that extension, whereas the proposed plans indicate that the new dwellings would project further to the rear. According to the Officer Report, the additional rearward projection would be 3 metres, which appears consistent with the alignment shown on the site plan, although it is not dimensioned. Some of the appellant's evidence refers to the proposed dwellings being on the same footprint as existing, but there is also reference to the rearward projection being 'within permissible levels' and comparable to other extensions nearby. Based on the evidence before me, I have considered the relationship with no. 45 on the understanding that the new rear elevation would be further back than that of the existing chalet bungalow.
12. That being the case, the rear corner of the proposed dwellings would introduce a substantial two storey structure in close proximity to existing rear and side-facing windows in the extension at no. 45. The Council alleges that it would breach a 45-degree line from those windows. The plans do not easily allow for that to be verified, and the Design and Access Statement includes sun path diagrams which purport to show that the path of sunlight would not be interrupted. However, those diagrams also lack explanation and do not clearly analyse the relationship with specific windows in the adjoining property.
13. From observation on site, it appears clear that a two-storey structure in the position proposed would be a dominant feature in the outlook from the rear of no. 45. It would also obstruct sunlight from the south, overshadowing the nearest windows at the rear of the adjoining property. The lower ground level in the appeal site would not adequately mitigate that, given the proposed height of the dwellings. The effect may only affect one room at the rear, and it would be limited to short periods in the middle of the day, before the sun moves round. Nevertheless, there would be a limited but materially harmful effect on living conditions within that property.
14. To the other side, the relative rear projection would be greater, since the adjoining property at 49 Brackendale Avenue has not been extended. The proposed dwellings would also be on a higher ground level, emphasising their scale. However, they would be on the north side, where they would not obstruct direct sunlight. The current occupiers of no. 49 have submitted representations in response to this appeal, recording that they have no objection to the proposed development going ahead. Taking those factors into account, while the dwellings would also be somewhat imposing from the rear windows and garden of no. 49, I conclude that would not have an unacceptably harmful effect on living conditions for the occupiers of that property, by reason of overshadowing or over-dominance.
15. There are existing first floor windows in both side-facing gables of the chalet bungalow, including clear glazed windows which serve first floor rooms on both sides. I saw during my site visit that there is a panoramic view from the south-facing window, which already takes in the neighbouring gardens. The view from the north-facing window is more limited, being obstructed by the pitched roof and extension at no. 45.
16. Although several new side-facing windows are proposed, most of them would serve bathrooms and could be obscure glazed. Therefore, although they would be numerous, there would be no actual loss of privacy.

17. A single bedroom window is also proposed in the outer corner of both flank elevations. It would generally be considered less reasonable for a bedroom window to be obscure glazed, and the outlook from the south-facing bedroom window would be comparable to that from the existing loft window. Therefore, that particular window would not result in any loss of privacy compared to the existing situation and a condition requiring obscure glazing would not be necessary.
18. However, the proposed north-facing bedroom window would be more intrusive, since it would be set further back, opening up a more direct view than is currently available across the neighbouring garden. It would, however, be a secondary, window, and the bedroom would also benefit from two larger windows and a Juliet balcony at the rear. In those particular circumstances, a condition could reasonably be imposed requiring that the side-facing window is obscure glazed, to protect the privacy of the neighbouring occupiers.
19. For the reasons given above, while the privacy of neighbouring occupiers to either side could be safeguarded by planning conditions, I conclude that the proposal would have a limited but materially adverse effect on living conditions for occupiers of no. 45, due to its imposing scale and the effect on sunlight and daylight at the rear of that property. That would conflict with Policy BAS BE12 of the Local Plan which requires amongst other things that planning permission for new residential development is refused if it causes material harm through overshadowing or over-dominance. It would also conflict with the requirement in paragraph 135 of the Framework that development provides a high standard of amenity for existing and future users.

Living conditions – future occupiers

20. The only Local Plan policy referred to in the third reason for refusal is Policy BAS BE12. That does not refer to the provision of suitable private amenity space for new dwellings, or any other standards relevant to the provision of a satisfactory living environment for future occupiers. However, in the Officer Report, reference was made to the Essex Design Guide (EDG), which does include such standards. At my request, the Council provided an extract from the EDG, covering standards for the provision of private amenity space for new dwellings. The appellant has also had the opportunity to comment on that additional information.
21. The EDG refers to a minimum private (i.e. rear) garden size of 100sqm for most types of houses. Although that dates originally back to 1973, it is presented as still comprising an acceptable and workable minimum size to accommodate a range of domestic activities and purposes. While the EDG allows for smaller gardens for one or two-bedroom properties, three bedrooms are proposed, and none of the other exceptions in the EDG are applicable.
22. Neither of the proposed gardens would achieve the 100sqm standard, both being approximately two thirds of that area. However, they would be straightforward rectangular areas, easily accessed from the proposed patio doors at the rear of each dwelling. Each would be large enough to provide a modest and private outdoor area for the occupiers. They may not accommodate the full range of activities and purposes identified in the EDG, but they would be usable outdoor spaces.
23. In addition, the proposal is presented as an opportunity for the appellant to provide for, and live next door to, other family members. On that basis, the application

anticipates that in the first instance the rear gardens would be shared, providing a single space exceeding the 100sqm area. That arrangement could not realistically be guaranteed in the long term, since two separate dwellings are proposed, and could be sold separately in future. Nevertheless, on the basis that the application is from the intended occupiers of the dwellings, it indicates that they consider the arrangement to provide acceptable living conditions to meet their needs. In the future, prospective buyers or occupiers would also be able to judge whether the level of outdoor amenity space was suitable for their requirements.

24. The proposed dwellings would provide more than adequate three-bedroom accommodation, significantly exceeding internal space standards¹. If occupied as proposed, there would also be qualitative benefits to the appellant and her family from extended family accommodation suiting their circumstances. Considering the proposed accommodation holistically, I am not persuaded that the shortfall against the EDG standard for private amenity space would be materially harmful to the overall quality of the proposed living environment.
25. I therefore conclude, in the circumstances of this particular case, that suitable living conditions would be provided for future occupiers, with reference to the provision of private amenity space. This aspect of the proposal does not conflict with Policy BAS BE12 in the Local Plan and the conflict with standards in the EDG is outweighed by other considerations.

Other Considerations

26. The Council's evidence confirms that no five year housing land supply is in place, and a substantial shortfall is reported in the Officer Report, standing at just under 1.9 years.
27. The proposal would provide one additional dwelling, on a small site, which it is likely could be delivered quickly. It would make more intensive use of the existing plot, in a built-up area where infill and redevelopment to provide more housing is acceptable in principle. Future occupiers would have convenient access to services and facilities in the town centre and need not be reliant on travel by car. There would be some limited economic benefit during construction, and possibly from local expenditure by any future occupiers who are not already resident.
28. The Council has not disputed that the proposal is for self-build housing and a mechanism to secure that is proposed. On the face of it, therefore, the proposal responds to the support in the Framework for self-build housing on small sites. However, no specific evidence has been presented that the extended family's housing needs cannot be met elsewhere, or by a more appropriate design approach on this site. These aspects of the proposal therefore add only very limited positive weight over and above the benefit to the housing supply more generally.
29. Some level of ecological enhancement could be secured, but exemption has been claimed from mandatory biodiversity net gain, so the level of any net benefit is likely to be limited.
30. Appropriate facilities would be provided for car parking and refuse storage and collection. Any disturbance arising during construction would be short-lived and

¹ MHCLG Technical Housing Standards – Nationally Described Space Standard

could be regulated through planning conditions if necessary. In any case, these are neutral factors weighing neither for nor against the development.

31. My attention has been drawn to a variety of other permitted schemes, including infill development, larger scale residential intensification and extensions to nearby properties. However, limited details are provided, and the circumstances of any particular development are rarely identical. Nothing in the evidence leads me to conclude that the Council's approach has been inherently inconsistent and I have considered the proposed development on its individual merits. While I note that the scheme was modified following refusal of an earlier proposal, the current scheme would still have harmful aspects, as set out above.

Planning Balance

32. The proposed development conflicts with the development plan as a whole, primarily due to the harm to the character and appearance of the area and, to a more limited extent, the harmful effect on living conditions for occupiers of 45 Brackendale Avenue. Those aspects of the proposal are also contrary to relevant provisions of the Framework, as identified above. As such, the harm arising from the development carries significant weight.
33. Even in the context of the substantial shortfall in housing land supply, the collective benefits of the proposal are inherently modest, since only a single additional dwelling is proposed. Furthermore, the support in the Framework for making more effective use of land and directing development to sustainable locations is not at the expense of ensuring that all development is well designed.
34. Consequently, the adverse impacts of the proposal would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole, having particular regard to key policies for directing development to sustainable locations, making effective use of land and securing well-designed places. Therefore, the proposal does not benefit from the presumption in favour of sustainable development, as expressed in paragraph 11d of the Framework.

Other Matters

35. I have noted that representations from another neighbouring occupier raised additional concerns about the effect on their living conditions, differing from those raised by the Council. However, since I am dismissing the appeal for the reasons previously given, there is no need for me to consider those aspects of the proposal any further, since it could not change the outcome.
36. The proposed development falls within the Zone of Influence for Essex Coast Habitats Sites, where it has been identified that new dwellings would have a likely significant effect on qualifying features of those sites, in combination with other dwellings, as a result of increased recreational disturbance. A strategic approach to mitigation is set out in the Essex Coast Recreational disturbance Avoidance and Mitigation Strategy SPD 2020.
37. The appellant has expressed willingness to provide the required mitigation, in the form of a financial contribution (the RAMS contribution). However, there is no evidence before me to confirm that the RAMS contribution has already been made, or that a legal mechanism is in place to secure it. Planning practice

guidance makes clear that payment of money cannot be secured through positively worded planning conditions. Had I been otherwise minded to allow the appeal, that would have been a consideration informing the appropriate assessment required under the Habitats Regulations. However, since I am dismissing the appeal for other reasons, there is no need for me to consider the matter any further.

Conclusion

38. The proposed development would conflict with the development plan, and no other considerations indicate that a decision should be made otherwise than in accordance with the development plan. Therefore, the appeal should be dismissed.

Jane Smith

INSPECTOR