The Planning Inspectorate

Appeal Decision

Site visit made on 14 November 2016

by Jonathan Price BA(Hons) DMS DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th November 2016

Appeal Ref: APP/D1590/W/16/3152416
46 Victoria Road, Southend-on-Sea, Essex SS1 2TQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr and Mrs S Appleton against the decision of Southend-on-Sea Borough Council.
- The application Ref 16/00494/FUL, dated 30 March 2016, was refused by notice dated 6 June 2016.
- The development proposed is rear extension.

Decision

1. The appeal is allowed and planning permission is granted for rear extension at 46 Victoria Road, Southend-on-Sea, Essex SS1 2TQ in accordance with the terms of the application, Ref 16/00494/FUL, dated 30 March 2016, subject to the following conditions:

   1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

   2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2016/03/01/46VR, 2016/03/02/46VR.

Main Issue

2. The main issue in this case is the effect of the rear extension on the living conditions of the next-door occupiers at 44 Victoria Road, with particular regard to outlook.

Reasons

3. The appeal is for a single-storey rear extension to the ground-floor flat at No 46, which forms part of a two-storey terrace of dwellings. An earlier proposal to extend this flat to the rear had been the subject of an appeal[1] dismissed on 14 January 2016. The earlier scheme had proposed to extend to the rear at almost the full width of the main dwelling to a depth of 3.6m, before setting this addition back some 2.1m from the common boundary with no 44 for the remaining extent of 2.4m.

4. The Inspector had considered that the full-width element of the previous scheme would, due to its position, width and height, have had an unacceptably harmful effect upon the living conditions of the next door occupiers at No 44. This neighbouring property has a two-storey outrigger addition to its rear, set

[1] APP/D1590/W/15/3135091

back from the side boundary, with ground and first floor windows facing north towards the rear of No 46. I can appreciate how the previous proposal would have an unduly overbearing effect on the outlook from the outside space adjacent to the rear outrigger of No 44, and from its side windows and the glazed back door.

5. As with the previous scheme, this proposal is to demolish an existing rear extension, with a mono-pitched roof, which currently extends at around half the width of the main property and is set away from the boundary with No 44. The scheme, as previously, is to replace this by a deeper rear addition, providing a kitchen and a small lounge area. However, this revised proposal would not extend at the full width of the main property, but be set back at from the common boundary with No 44 for the full depth of some 6m.

6. Although the new extension would extend further to the rear than the rear addition it would replace, this would be no further than the extent of the two-storey outrigger to No 44. The rear extension would be of a flat roof design at a height of 3m, with roof lanterns above, and be set back from the fenced boundary with No 44 by around 2m, and from its side windows by just over 3.5m. Its scale and position, set back from the boundary, would not be such as to have an unduly overbearing impact on the aspect from the outside space adjacent to the rear outrigger at No 44, or from its facing side windows and the rear door. By setting the proposed extension apart from the boundary fence the relatively modest flat-roofed extension would preserve a reasonable degree of openness to the outside of No 44 and the view from its windows.

7. The neighbours at No 44 have raised concerns over this proposal resulting in a loss of light to these side windows. However, the extension would be to the north of these and cause no loss of direct sunlight. Any reduction in the indirect daylight to the neighbouring windows of No 44 would not be to a degree as to cause significant harm to the occupiers' living conditions or justify consent being withheld for this reason.

8. The extension would not have a materially harmful effect on the living conditions of the occupiers of No 44, either due to having an overbearing effect or in respect of loss of light. This proposal would therefore satisfy the requirements of Development Management Document[2] Policy DM1 that development protects the amenity of immediate neighbours, including in regard to outlook, daylight and sunlight. The rear extension would keep within the reasonable limits required by the Council's Design and Townscape Guide[3] and satisfy the core planning principle of the National Planning Policy Framework to always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.

Conditions

9. Consideration has been given to the conditions suggested by the Council. The proposed lantern rooflights would make the extension unsuitable for use as a balcony or roof garden. Consequently a condition preventing such an occurrence is not considered necessary. The external materials shown on the plans would result in the satisfactory appearance of this extension and so a further condition governing this aspect of the scheme is also not required.

[2] Southend-on-Sea Borough Council Development Management Document – July 2015.
[3] Southend-on-Sea Borough Council Supplementary Planning Document 1 Design and Townscape Guide 2009.

Consequently, in addition to the standard time limit, only a further condition is necessary, in the interests of certainty, to ensure the development is carried out in accordance with the plans submitted.

Conclusion

10. For the reasons set out above, having taken into account all other matters raised, I conclude that this appeal should be allowed

Jonathan Price

INSPECTOR