



Appeal Decision

Site visit made on 21 February 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

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

Decision date: 02 March 2017

Appeal Ref: APP/D1590/W/16/3162226
108 Trinity Road, Southend-on-Sea, SS2 4HJ

- 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 T Callaghan (DanTel Construction Limited) against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/00381/FUL, dated 4 March 2016, was refused by notice dated 5 May 2016.
 - The development proposed is to demolish existing commercial unit to rear and construct a single detached chalet bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 108 Trinity Road and the recently constructed house adjoining, and of future occupiers of the proposed dwelling, with particular regard to overlooking.

Reasons

3. The appeal site is located to the rear of a pair of semi-detached two storey dwellings, one of which has recently been constructed¹. Both dwellings have rear-facing first floor windows which appear to serve rooms likely to be used for significant periods of time.
4. The proposed chalet dwelling would face the rear elevation of the semi-detached dwellings and have ground floor windows serving a dining area and living room and first floor dormers windows serving a bedroom and a study. It is proposed to use obscured glazing in the study window.
5. There would be a distance of some 15m between the facing elevations, although the dormer windows would be set back slightly further. I have not been made aware of any policies or guidelines for minimum separation distances to ensure privacy. The appellant argues that a separation distance of 15m can be found in areas of Southend and other locations where properties front onto a highway. Nevertheless, I am mindful of the site's setting to the rear of an established residential property. Having viewed the relationship between the existing windows and the position of the proposed windows on the site, I consider that the distance between them would not be adequate to provide either the

¹ Application reference 16/00382/FUL

occupiers of No 108 or future occupiers of the proposed dwelling with adequate privacy from the first floor windows.

6. In reaching this conclusion I recognise that the direct view from the proposed bedroom window would be along the drive to the side of No 108. Even so, the offset from that property would not be sufficient to prevent inter-visibility between the existing and proposed first floor windows. Boundary fencing would maintain privacy in views from the facing ground floor windows.
7. The private external space for the proposed dwelling is modest in size. At its closest, it would be slightly more than 11m from the rear elevation of the recently constructed dwelling. At that distance, views from the first floor windows of the neighbouring property into the external space would significantly impair the privacy of users. The appellant argues that many gardens have a depth of 10m or less. Whilst that may be so, it does not follow that they are overlooked from the first floor windows of neighbouring properties at such a short distance.
8. Consequently, I find that the proposal would not provide future occupiers of the proposed dwelling with an adequate standard of privacy and would reduce the privacy of the occupiers of No 108. As such, it would be significantly harmful to the living conditions of the occupiers of both properties. Its effect on the living conditions of the recently constructed dwelling would not be detrimental. Nevertheless, the proposal would conflict with Policies KP2 and CP4 of the Council's Core Strategy 2007 and Policy DM1 of its Development Management Document 2015. Together, these policies require proposals to achieve a high standard of design and to protect the amenity of the site and immediate neighbours having regard to privacy, amongst other things. Nor would the proposal accord with paragraph 195 of the Council's Design and Townscape Supplementary Planning Document insofar as it advises that backland development must protect the privacy of adjoining residents.

Planning Balance and Conclusion

9. Framework paragraphs 7 and 8 require the social, economic and environmental roles of sustainability to be considered together. I have not been made aware of any economic benefits of the proposal.
10. Framework paragraph 47 seeks to boost the supply of housing and paragraph 17 favours the effective use of previously developed land. Nevertheless, the creation of one dwelling would make a very limited contribution to the supply of housing in the area and, therefore, to the social role of sustainability.
11. On the other hand, I have concluded that the development would be significantly harmful to the living conditions of neighbouring and future occupiers. In this regard, the proposal would have a moderately negative effect on the social role of sustainability. Its effect on the environmental role would be neutral.
12. Overall therefore, I conclude that the proposal would not amount to sustainable development and so is not supported by the presumption in favour of sustainable development set out in Framework paragraph 14. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR