
Appeal Decision

Site visit made on 1 March 2017

by K H Child BSc (Hons) MA MRTPI

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

Decision date: 10 March 2017

Appeal Ref: APP/D1590/D/16/3166355
8 Bickenhall, Southend-on-Sea, SS3 8AT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 1, Paragraph A.4 of The Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr Green against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/01711/GPDE, dated 20 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is a discrepancy between the description of development on the application form, appeal form and the decision notice. For the purposes of brevity I have used the shorter description from the application form in the above banner heading.
3. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) require the local planning authority to assess the proposed development solely on the basis of its impact on the amenity of any adjoining premises, taking into account any representations received. My determination of this appeal has been made in the same manner.
4. The submitted evidence indicates that a separate planning application has been submitted for a single storey side and rear extension at the appeal property. There are no details of the scheme before me and it is unclear whether it is proposed in the same section of garden. I have therefore attached little weight to this matter and have assessed this appeal on its merits and the evidence before me.

Main Issue

5. The main issue is the effect of the proposal on the living conditions of occupiers at Number 10 Bickenhall (No 10), with particular regard to outlook, daylight and sunlight.

Reasons

6. The Council considers that the proposal would meet the relevant criteria for permitted development, and from the details provided I see no reason to disagree.
7. The appeal property is a detached bungalow situated on a residential cul-de-sac. As shown on the proposed plans, the extension would be some 6 metres in depth, with a ridge height of about 3.9 metres. It would be situated in the eastern part of the rear garden, approximately 1.09 metres from the common side boundary with No 10.
8. The adjoining property at No 10 is a detached bungalow. The dwelling is located close to the boundary with the appeal site, and has a number of rear windows in this vicinity. The submitted evidence indicates that the small window facing towards the appeal site and the rear patio doors serve a living room, whilst the intervening window facing the garden serves a bedroom. The main part of the bungalow at No 10 is set back slightly from the rear wall of No 8, and the common boundary is delineated by a high close boarded fence. On my site visit I observed some shrub planting in the grounds of No 10 close to the bungalow, which is alongside and slightly above the height of the fence.
9. Although the extension would be set back from the side boundary and the dwelling at No 10, narrow in width, and have a modest eaves and ridge height, it would be clearly visible from the aforementioned rear windows and patio doors at No 10, as seen above the fence. I accept that the side wall of No 8 and the existing fence and vegetation already create a degree of enclosure when viewed from the rear windows of No 10. Nonetheless, the rear gardens of both properties are modest in depth, and the proposal would extend along much of the side boundary and increase the sense of enclosure. This would particularly be the case from the window closest to the appeal site, due to its set back position. The additional bulk and massing created by the extension would be overbearing as seen from the aforementioned windows at No 10, and would harm the living conditions of occupiers. For the same reasons, I consider that the outlook from part of the rear garden at No 10 closest to the appeal site would also be materially harmed.
10. Given the set back position of No 10 and the additional enclosure arising from the proposal, I consider that the extension would cause material loss of daylight in the window at No 10 which is closest to the side boundary, to the detriment of occupiers. There would also be some loss of daylight in the rear patio window and the other small window facing No 8. However, the patio doors are set further forward whilst the small window is not the main window serving the room, and therefore I consider this loss would be limited and in this regard would not materially harm living conditions.
11. In terms of sunlight, I note that the proposed extension would be positioned to the south of the dwelling at No 10. Taking account of the height of the sun at this point, existing structures and the profile of the proposal, I consider that any loss would be limited and not significantly detract from living conditions.
12. The dwelling at No 10 has other rear windows and a wide garden. However, I consider these factors are not sufficient to outweigh or negate the harm identified above, relating to loss of outlook and daylight.

13. In conclusion, the extension would adversely affect outlook and cause reduced levels of daylight that would be materially harmful to the living conditions of occupiers of No 10. This would be contrary to Policies KP2 and CP4 in the Southend-on-Sea Core Strategy (2007), Policy DM1 of the Southend-on-Sea Development Management Document (2015), and guidance in the Southend-on-Sea Supplementary Planning Document 1 Design and Townscape Guide (2009), insofar as they seek to protect residential amenity. It would also be contrary to the National Planning Policy Framework which seeks a good standard of amenity for existing and future occupants of land and buildings.
14. I have had due regard to the Public Sector Equality Duty contained in the Equality Act 2010, on the basis that the occupants of No 10 have indicated that they have disabilities. Nevertheless, as I have reached the conclusion that the appeal should be dismissed; their rights and living conditions will not be affected.
15. The Council has not identified any adverse effects on the living conditions of occupiers of other adjoining premises. Taking into account the width of the appeal site and the siting of the proposed extension, I concur with this position.
16. The appellant has pointed out that other forms of rear extension may be allowed under permitted development rights. However, the depth of any such extension would be less than that before me. There is also no substantive evidence to indicate that there is a significant possibility that such permitted development would be constructed should this appeal be dismissed. Therefore I attach limited weight to it as a fall-back position.
17. The appellant has drawn my attention to a number of appeal decisions relating to residential extensions¹. Nonetheless, the specifics of each site inevitably vary, and the full details of these cases are not before me. Accordingly, I have attached limited weight to these in my determination of this appeal.
18. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Katie Child

INSPECTOR

¹ APP/B5480/D/16/3143999, APP/P4605/D/13/2206537, APP/J4423/D/13/2202793, APP/J0540/D/13/2210045.