
Appeal Decision

Site visit made on 15 May 2017

by J L Cheesley BA(Hons) DIPTP MRTPI

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

Decision date: 19 May 2017

Appeal Ref: APP/D1590/D/17/3170438

6 Burges Terrace, Southend-On-Sea, Essex SS1 3BD

- 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 Nick Josh against the decision of Southend-on-Sea Borough Council.
 - The application Ref 16/02098/FULH was refused by notice dated 6 January 2017.
 - The development proposed is a single-storey rear extension with balcony over.
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Decision

1. The appeal is dismissed.

Main Issue

2. I consider the main issue to be the effect of the proposal on the living conditions of occupiers of neighbouring properties, with particular reference to privacy.

Reasons

3. Guidance in the Council's Supplementary Planning Document: Design and Townscape Guide (SPD) (2009) requires extensions to be design so as to not give rise to unreasonable or perceived overlooking of an existing building or private garden.
 4. The appeal proposal includes a flat roof over a single-storey rear projection to be used as a balcony. It would extend almost the width of the dwelling and would be accessed from doors in two rear bedrooms. The width and depth of the proposed balcony would allow for a number of people to comfortably congregate.
 5. The proposed obscure glazing on the side elevations, due to their height, would prevent direct sideways overlooking. The tree screen along the boundary with the property at No. 5 Burges Terrace would further protect the privacy of occupiers of that property. Nevertheless, the proposed rear screen would be 1.1 metres in height. Whether or not this were to be obscure glazed, it would allow for considerable overlooking of a number of neighbouring properties.
 6. Due to the scale, depth, position and potential for a considerable number of people to congregate on the proposed balcony, I consider that it would allow
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for an unacceptable level of overlooking of neighbouring properties. This would significantly adversely affect the living conditions of these neighbours.

7. In reaching my conclusion, I have had regard to all matters raised, including the presence of balconies on properties in the vicinity and the existing level of overlooking from the appeal property. I have determined the proposal before me on its individual merits. Due to the reasons stated above, I consider that the proposed balcony would create a significantly greater possibility to impact on the privacy of neighbours than the existing level of overlooking from the appeal property. Whilst I appreciate that there may be an existing possibility of overlooking from other balconies in the immediate vicinity, these are not of the same scale and design as the proposal before me.
8. I conclude that the proposal would have an adverse effect on the living conditions of occupiers of neighbouring properties. Thus, the proposal would be contrary to guidance in SPD and contrary to Policies KP2 and CP4 in the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 in the Southend-on-Sea Development Management Document (2015), where they seek to protect residential amenity.
9. As the Core Strategy policies precede the National Planning Policy Framework, it is necessary for me to determine whether these policies are in accordance with the Framework. I consider that these policies referred to above are broadly in accordance with the Framework as far as they meet the Framework's core principles; particularly that planning should be seeking a good standard of amenity for all existing occupants of land and buildings.

J L Cheesley

INSPECTOR