

Appeal Decision

Site visit made on 10 May 2017

by H Lock BA (Hons) DipTP MRTPI

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

Decision date: 24 May 2017

Appeal Ref: APP/D1590/D/17/3170133

64 Lifstan Way, SOUTHEND-ON-SEA, Essex, SS1 2XE

- 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 Mrs V Stedman against the decision of Southend-on-Sea Borough Council.
 - The application Ref. 16/01646/FULH, dated 7 September 2016, was refused by notice dated 1 December 2016.
 - The development proposed is single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension at 64 Lifstan Way, SOUTHEND-ON-SEA, Essex, SS1 2XE, in accordance with the terms of the application, Ref. 16/01646/FULH, dated 7 September 2016, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 16-375 01 Rev B and 16-375 06 Rev A.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form, but in Part E of the appeal form a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
 3. The application was made by Mrs Stedman, but the appeal form gives the appellant's name as David Stedman. As the appeal cannot be transferred to another person, the appeal has proceeded in the name of the original applicant.
 4. Although not requested by the Council on the appeal questionnaire, in view of the reason for refusal, and with the agreement of the neighbour at 66 Lifstan Way, the development was viewed from the rear garden of that property at the appeal site visit.
-

Main Issue

5. The main issue is the effect of the development on the living conditions of occupants of 66 Lifstan Way, with particular reference to outlook and access to light.

Reasons

6. The appeal property is a semi-detached house within a suburban residential area, and it is evident that other dwellings in the vicinity have been extended in various forms. The extension the subject of this appeal is substantially complete, although it has not been finished externally. In this context, its visual impact can be readily assessed.
7. The Council's report advises that the proposal is well integrated with the main dwelling, and that in this regard it accords with national and local planning policies. I share this assessment.
8. Amongst other criteria, Policy CP4 of the Council's Core Strategy (CS)¹ requires development proposals to maintain and enhance the amenities of residential areas and to secure good relationships with existing development, and CS Policy KP2 requires development to respect the character and scale of the existing neighbourhood, and to secure improvements to the urban environment through quality design. The need to protect the amenity of immediate neighbours in matters including outlook, visual enclosure, daylight and sunlight is set out in detail in DMD² Policy DM1, and is reflected in the aims of DMD Policy DM3. Although the Council's policies and DTG³ do not include specific size limits for house extensions, the addition is undoubtedly large in footprint and projects deeply beyond the rear of the neighbouring dwellings.
9. In particular, in views from the rear of 66 Lifstan Way, it is a notable feature in the outlook from the closest ground floor habitable room and its doors. However, whilst the former conservatory at the appeal property has been demolished, it would appear from the submissions that it was close to the boundary with No.66, albeit seemingly of more lightweight construction and more modest in depth.
10. There is an existing wall and fencing between the two properties and a lean-to outbuilding in the garden of No.66. It abuts the shared boundary and overlaps part of the depth of the extension at No.64. As such, whilst I acknowledge that the depth and additional height of the appeal development creates a sense of enclosure, the outlook from No.66 would previously have been framed by boundary treatment, the former conservatory at No.64 and the outbuilding at No.66.
11. With regard to loss of daylight, no analysis has been provided by the parties of the effect of the appeal development compared to the former conservatory. In either case, the outbuilding at No.66 would have some impact on access to light. Whilst I note the orientation, and accept that a development of the depth and height constructed has some effect on light levels, on the basis of the evidence in this appeal I am not convinced that the development has diminished

¹ Southend on Sea Core Strategy Development Plan Document One, 2007

² Southend on Sea Development Management Document, 2015

³ Supplementary Planning Document 1, Design and Townscape Guide, 2009

light levels to a degree that the living conditions of current and future occupants of No.66 would be harmed. I have placed little weight on the appellant's assertion that a similar extension is planned at No.66; as such proposals may or may not be built, the assessment in this appeal has been made on the basis of the existing relationship between buildings.

12.I therefore conclude that the development has not adversely affected the outlook and access to light at 66 Lifstan Way to a degree that the living conditions of current and future occupants of that property have been, or would be, harmed. The development therefore accords with the aims set out in the National Planning Policy Framework (the Framework), CS Policies KP2 and CP4, DMD Policies DM1 and DM3, and the DTG.

Conditions

13.As the development has been commenced a time limit for implementation is unnecessary. However, I have attached a condition specifying the approved drawings as this provides certainty. It is also appropriate to control materials to match the existing dwelling, in order to safeguard the character and appearance of the development.

Conclusion

14.The Framework establishes a presumption in favour of sustainable development, and part of its environmental strand is to contribute to protecting and enhancing the built environment. A core planning principle of the Framework is to always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings, and for the reasons given above the appeal development would comply with this principle. It would be sustainable development supported through the Framework, and as a consequence, I conclude that this appeal should be allowed.

H Lock

INSPECTOR