

Appeal Decision

Site visit made on 9 October 2017

by Les Greenwood MRTPI

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

Decision date: 18 October 2017

Appeal Ref: APP/D1590/D/17/3180699

91 Westborough Road, Westcliff-on-Sea SS0 9DL

- 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 M Long against the decision of Southend-on-Sea Borough Council.
 - The application Ref 17/00414/FULH was refused by notice dated 2 May 2017.
 - The development proposed is a flat roofed side/rear extension.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on living conditions at the next door house, 93 Westborough Road, in terms of outlook and light.

Reasons

3. 91 and 93 Westborough Road are mid-terraced houses with 2 storey wings extending well to the rear. Between these wings, the houses each have a rear facing habitable room window and 2 side facing windows at ground floor level plus a narrow paved area. The proposal is to infill the gap on No 91's side with a single storey flat roofed extension, with an open canopy at the back.
4. My concern here is about the rear facing window, as the outdoor space appears to be little used and the side facing windows do not appear to serve habitable rooms. The Council's Supplementary Planning Document 1 (SPD1) *Design and Townscape Guide* advises that proposals which would result in a neighbouring window, as the sole source of light to a habitable room, being contained between two projections will require careful consideration to ensure that light, outlook and spaciousness to the adjoining property is retained.
5. The proposed new side wall would be topped with a parapet, bringing the height on the boundary to well over 3m. The wall would be substantially taller than a normal boundary fence or wall and would stretch more than 6m to the rear of the rear facing window at No 93. The 2 rear wings already create a tunnel effect, so that this window already has a restricted outlook. The introduction of such a long, tall wall here would further restrict this outlook, to an extent that would be oppressive.

6. This window also gets poor natural sunlight and daylight due to the existing rear wings and the northern orientation. In this situation, direct sunlight would be little effected, if at all. Daylight (light from the sky) would however be significantly further reduced by the new wall, resulting in an unduly dark room. The use of a light coloured render would not adequately compensate for this loss of daylight.
7. I conclude that the proposal would unacceptably harm living conditions at 93 Westborough Road due to loss of outlook and daylight. It therefore conflicts with the aims of Core Strategy (CS) Policy CP4, Development Management Document (DMD) Policy DM1 and SPD1, to protect the amenity of immediate neighbours. It likewise conflicts with the National Planning Policy Framework's aim to secure a good standard of amenity for all existing and future occupants. The Council also cites CS Policy KP2 and DMD Policy DM3, but these general development policies do not appear to be directly relevant to the main issue.
8. I consider the impact on the character and appearance of the building and the area to be minimal. The proposal would make good use of an existing underused space to improve the living accommodation in the house, but I do not find this to be sufficient justification. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR