



Appeal Decision

Site visit made on 26 June 2019 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 July 2019

Appeal Ref: APP/D1590/D/19/3223830

365 Central Avenue, Southend-on-Sea, Essex, SS2 4EF

- 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 Peter Hadley against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/02192/FULH, dated 16 November 2018, was refused by notice dated 14 January 2019.
 - The development is erect single storey side/rear extension and rear disability access ramps.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. During my site visit, I observed that the side/rear extension had already been developed. I will provide my recommendation on the basis that this appeal relates to a retrospective application.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupants of 363 Central Avenue, with particular regard to outlook and light.

Reasons for the Recommendation

5. The appeal site comprises a two-storey, end-of-terrace property on the northern side of Central Avenue. 363 Central Avenue is a mid-terrace dwellinghouse which adjoins the appeal property to the west. There is a rear-facing ground floor window on the principal rear façade of No. 363 which, according to the Council, serves a living/dining room. This window is positioned near the shared boundary with the appeal site.
 6. The side/rear extension has been built along the inside of the rear closet wing of the appeal property, right up to the boundary with No. 363. From the plans, the side/rear extension measures 4.84m in depth, 2.27m in width and 3m in height; however, including the parapet wall along the boundary with No. 363,
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the extension has a height of approximately 3.2m. As it is built right up to the boundary and in such close proximity to the rear-facing window of No. 363, the combined height and depth of the development has a dominating and overbearing impact on the outlook from this window. It is therefore considered that the development causes unacceptable harm to the living conditions of the occupants of No. 363 in terms of outlook.

7. The appellant states that an extension built in accordance with permitted development rights would have the same level of impact upon the living conditions of the residents of No. 363 as the existing extension in terms of light. It is acknowledged that due to its northern aspect, the rear-facing window of No. 363 receives limited direct sunlight and that the existing extension causes no additional harm in this respect. However, the Council do not suggest that there would be a loss of sunlight, but rather a loss of daylight. In this regard, the extension is materially larger than that which could be built under permitted development rights and it is considered that the extension reduces the amount of daylight received by the neighbour's rear-facing ground floor window and therefore causes harm to the living conditions of the occupants of No. 363 in terms of light.
8. The appellant has stated that he could reduce the height of the extension by removing the parapet wall. However, as no additional drawings of the extension without the parapet wall have been submitted, I must consider the development on the basis of the submitted plans and my observations during the site visit.
9. For the above reasons, I conclude that the development causes unacceptable harm to the living conditions of the occupants of 363 Central Avenue in terms of outlook and light. The development therefore conflicts with Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015 and the Design and Townscape Guide SPD 2009, which broadly require that development proposals must respond positively to the surrounding area and respect the amenities of occupiers of neighbouring buildings.

Other Matters

10. The appellant has stated that he would not have continued to build the extension if he had been better informed by the Council's building control officers at the time of construction. I also understand that the extension was built to assist the appellant with their disability, and that the appellant had consulted with the occupants of No. 363. Regardless of these circumstances, the development must be determined against the development plan and on its planning merits. As such, I give very limited weight to these considerations which do not overcome the harm that the development causes in planning terms.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR