



Appeal Decision

Site visit made on 11 June 2019

by M Heron BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 August 2019

Appeal Ref: APP/D1590/W/19/3224492

3 Hillside Crescent, Leigh-on-Sea, Essex SS9 1EN

- 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 and Mrs Gains against the decision of Southend-on-Sea Borough Council.
 - The application Ref 18/02134/FUL, dated 8 November 2018, was refused by notice dated 8 January 2019.
 - The development proposed is described as 'a flat roof extension on the ground floor to Flat 3 on the rear elevation'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address in the heading above differs marginally from that given within the application form. However, both the appeal form and the Council's decision notice provide a matching address for the appeal site which includes 'Leigh-on-Sea'. I have therefore used this address in the heading above for the sake of clarity.
3. During the course of this appeal, an additional Site Location Plan was submitted to clarify the location of the appeal site. I have determined the appeal on this basis.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants at No 1 Hillside Crescent, with particular regard to access to daylight and outlook.

Reasons

5. The appeal building is a two storey, semi-detached, residential property located within a residential area. This property has been sub-divided into a ground floor flat (No 3) and a first floor flat (No 3A). Both the appeal building and the adjoining No 1 Hillside Crescent have matching two storey outriggers to the rear which appear to be just over 3m in depth. These features are positioned towards the side elevations of their respective host buildings. This creates recessed gaps to the rear of both the appeal building and No 1 in-between the outriggers and the shared boundary fence.
6. There are no windows at No 1 which directly face the appeal site. However, there is a large, rear facing, ground floor window at this property which is set

back in the gap between the outrigger and the shared boundary fence. It was evident from my visit that this window served a habitable room.

7. This proposal seeks permission to construct a single storey extension to the rear of No 3. This would broadly align with the depth of the existing outrigger at the appeal building and would almost completely fill the gap to its side up to the shared boundary. The proposal would therefore be within close proximity of the above mentioned ground floor window at No 1 and, given its height, a substantial part of it would be visible above the shared boundary fence. Consequently, it would be visually prominent when viewed from this window.
8. I accept that the living conditions at No 1 are already affected to a degree by its outrigger and by the shared boundary fence. Nonetheless, taking the above into account, the proposal, in combination with the outrigger at No 1, would create a notable enclosing tunnel effect. In my view, this would result in an oppressive, overbearing, outlook from the identified rear facing ground floor window at this neighbouring property, given the proximity of the proposal and its overall depth and height.
9. No formal daylight/sunlight assessment is before me. However, for the reasons given above, the proposal would also result in some loss of daylight to the living accommodation at No 1. With regard to the orientation of this property and the presence of the outriggers and boundary fence, this additional harm would be relatively limited. Nevertheless, it still adds to the harmful overall impact that the proposal would have on the living conditions at No 1.
10. I note that in some circumstances a development that is similar in scale to that proposed may not require planning permission. Nonetheless, as No 3 is a flat planning permission is required. This does therefore not justify a proposal that I have found to be harmful when assessed in the light of current planning policy as I am required to do.
11. For the reasons given, I conclude that the proposal would harm the living conditions of the occupants at No 1 in terms of outlook. It would also result in some additional limited harm in terms of access to daylight at this property. Overall, the proposal would conflict with Policy DM1 of the Council's Development Management Document (DMD) and the Council's Supplementary Planning Document 1 Design and Townscape Guide. Amongst other things, these seek to protect the amenity of neighbours in terms of outlook, visual enclosure and access to daylight. The proposal would also conflict with the National Planning Policy Framework insofar as it seeks to secure a high standard of amenity for existing and future users. Additionally, I have been referred to Policy CP4 of the Core Strategy Development Planning Document and Policy DM3 of the DMD. However, amongst other things, these deal with the character of the area, backland developments and conversions. They are therefore not relevant to this issue.

Conclusion

12. For the reasons given above, the proposal conflicts with the development plan. Having considered all other relevant matters raised, I therefore conclude that the appeal should be dismissed.

M Heron

INSPECTOR