
Appeal Decision

Site visit made on 3 December 2019 by Emma Worby BSc (Hons)

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2020

Appeal Ref: APP/D1590/W/19/3236976
57A Burnham Road, Leigh-On-Sea SS9 2JR

- 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 Bob Grafton against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/00766/FUL, dated 24 April 2019, was refused by notice dated 19 June 2019.
 - The development proposed is to extend the existing balcony and erect an external staircase.
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Decision

1. The appeal is dismissed.

Appeal Procedure

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

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties, with regard to privacy.

Reasons for the Recommendation

4. The appeal site is occupied by a two-storey building which has been subdivided into two separate flats, one on the ground floor and one on the first floor. The appeal relates to the first floor flat only. Likewise the rear garden has been subdivided into two separate spaces adjacent to each other, with external stairs and a small landing providing access from the first floor flat into the rear garden. The proposal would enlarge the existing external landing, add a glass balustrade and replace the external staircase.
5. On the site visit it was noted that the current landing is occupied by chairs and a small table and therefore is currently used as amenity space with visibility into neighbouring gardens. However, the landing is small and due to this restricted space it has a limited functionality, and it is unlikely that the occupants of the appeal site could spend a significant amount of time using it as amenity space. Increasing the size of the landing, however, would enable the occupants to undertake a greater range of outdoor activities here, so it would be likely to be used more often by the occupants of the dwelling, and by

more people than can currently be accommodated on the existing landing. Therefore, it is considered that any overlooking impact into the gardens of neighbouring properties would be increased.

6. The proposal does include a privacy screen on the northern elevation of the proposed balcony. This would be likely to block any direct views into the windows of the neighbouring property, No.59 Burnham Road. However, it would not block views into the garden of No.59. The views into the gardens of both No.55 Burnham Road and No.57 Burnham Road (the ground floor property) would also not be blocked by this privacy screen.
7. It is noted that the proposal would improve the amenity space for the appeal property by providing a directly accessible outdoor space at first floor level. Nevertheless, the dwelling is already served by a garden to the rear of the property. Therefore the benefit of improved amenity space would not be significant and would not outweigh the harm found to the living conditions of the occupiers of the neighbouring properties.
8. For the reasons above I consider that the proposed development would be harmful to the living conditions of the occupiers of the neighbouring properties and therefore would be contrary to policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007) and Policies DM1 and DM3 of the Southend-on-Sea Development Management Document (2015) which collectively aim to ensure development has a good relationship with existing development. The proposal would also be contrary to the Southend-on-Sea Design and Townscape Guidance SPD (2009) which states that proposed balconies should ensure that the privacy of neighbours is not compromised.

Conclusions and Recommendation

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

Emma Worby

APPEALS PLANNING OFFICER

Inspector's Decision

10. 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