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## Appeal Decision

Site visit made on 10 December 2019 by Emma Worby BSc (Hons) MSc

**Decision by Andrew Owen BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 28 January 2020**

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**Appeal Ref: APP/D1590/D/19/3238347**

**18 St Vincent's Road, Westcliff-On-Sea, SS0 7PR**

- 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 Nick Mendoza against the decision of Southend-on-Sea Borough Council.
  - The application Ref 19/00961/FULH, dated 22 May 2019, was refused by notice dated 5 August 2019.
  - The development proposed is a side extension.
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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 in this appeal is the effect of the proposed development on the living conditions of the occupiers of 20 St Vincent's Road with regard to outlook.

### Reasons for the Recommendation

4. The appeal site is occupied by a two-storey semi-detached dwelling located within a residential environment and Milton Conservation Area. The proposed single-storey extension would project from the side of the existing two-storey outrigger and from the rear of the main dwelling. Planning permission has previously been granted for a similar extension in this location, with a depth of 3 metres. The plans show the proposed extension would have a greater depth of 5 metres and would only be slightly smaller than the depth of the existing outrigger, but would be the same height as that previously approved.
5. Due to the depth, its projection above the boundary fence and the proximity of the extension to the rear facing ground floor window of No.20, the proposal would detrimentally affect the outlook from this window, the light received by it and so create a harmful sense of enclosure. The effect would be materially greater than that resulting from the 3 metre deep extension due to the additional depth of the proposal.

6. The appellant has stated that this window on the neighbouring property serves a kitchen which is also served by another window on the other side of their outrigger. Nevertheless, this would not mitigate the impact on this part of the kitchen found to be caused by the proposed development.
7. Although the ground floor rear window of No.20 currently sits between two outriggers and would not necessarily receive as much light as other windows in the property, the proposed extension would further exacerbate the poor outlook from here.
8. I acknowledge, the occupiers of No 20 have not objected to the proposal. Nonetheless, the absence of an objection does not lend positive weight to the proposal.
9. Consequently, I conclude that the proposed development would have a harmful impact on the living conditions of the occupiers of the neighbouring dwelling. Therefore, the proposal would be contrary to the Policies KP2 and CP4 of the Core Strategy (2007), Policies DM1 and DM3 of the Development Management Document (2015) which collectively aim to ensure development is well designed so that it protects immediate neighbours with regard to outlook, and ensure development has a good relationship with existing development, along with the living condition objectives within the National Planning Policy Framework. The proposal would also be contrary to the Design and Townscape Guide (2009), which states that extensions must respect the amenity of neighbouring buildings and not adversely affect outlook from habitable rooms in adjacent properties.

### **Other Matters**

10. The Council has not raised any concerns with regards to the impact upon the conservation area in which this site is located, and I have no reason to consider otherwise.
11. The appellant has highlighted two other appeals in the London Borough of Brent and the Royal Borough of Kensington & Chelsea, where similar side extensions have been granted planning permission. However, these are in very different locations than the appeal before me and information detailing the immediate context of these cases is limited. Therefore, I cannot attest the degree to which they are comparable to the proposal before me.
12. I recognise the development would provide better accommodation for the appellant and would make effective use of this part of their garden. However, these benefits would already be secured by the approved extension and so the development before me provides little advantage in these regards and therefore does not outweigh the harm identified above.

### **Conclusions and Recommendation**

13. 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**

14. 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