
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

Appeal Ref: APP/D1590/D/19/3238004

5 Highwood Close, Leigh-On-Sea, Essex SS9 4AS

- 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 L & Mrs M McCormack against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01294/FULH, dated 10 July 2019, was refused by notice dated 2 September 2019.
 - The development proposed is to erect a new orangery to the rear of the present dwelling, and raise the rear fence of the property from its present height of 1.83m to 2.44m.
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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 orangery on the living conditions of the occupiers of No 6 Highwood Close with regard to outlook.

Reasons for the Recommendation

4. The appeal site is occupied by a single-storey semi-detached dwelling with a flat roof single-storey extension to the rear. The proposal would enlarge the existing extension by adding a further extension to part of the rear elevation, to create an L-shaped addition to the original property.
5. The proposal would result in an additional depth of 3.5 metres to the rear of the existing extension, amounting to an extension of around 7.1 metres deep in total. Although the occupiers of the neighbouring property No.6 Highwood Close already have a view of the current extension from the garden and rear patio doors, this substantial increase in the depth of this extension would have a significantly greater impact on their outlook. Its height, slightly above the eaves height of the original pitched roof dwelling on the main part of the house, along with the cumulative depth of the two extensions, would result in an overbearing impact on the occupiers of No.6. This would impact light

- received by the western part of the neighbouring garden and the patio doors to a greater level than the existing extension.
6. It is noted that there are already trees and shrubs along the boundary at a similar height to the proposed extension. However these are softer in nature and would be more likely to allow light to pass through than the solid wall of the proposed extension. Furthermore, planting to screen the proposed extension would not be possible on the appeal site, due to the proximity of the development to the boundary, and not enforceable in the neighbour's garden, and in any case could not be relied upon in the long term. As such planting would not sufficiently overcome the identified impact on outlook.
 7. The garden at No.6 is relatively large in size and the occupiers would be able to use the part of the garden furthest from the boundary with the appeal site, which would not be affected by the proposed development. However, this is not considered to compensate the impact upon the outlook of the rear patio doors of the neighbouring dwelling. Furthermore the use and development of the neighbouring garden by the current occupiers, as outlined in the appeal statement, cannot be given significant weight as future occupiers may use and develop the garden differently, and the amenity of future occupiers of this dwelling must also be considered as set out in paragraph 127 of the National Planning Policy Framework (the 'Framework'). For the same reason, although the current occupiers have written to confirm they have no concerns regarding the proposed development and may enjoy the privacy it could offer, this letter of support would not outweigh the long term harm found.
 8. For the reasons above, the proposed development would be harmful to the living condition of the occupiers of the neighbouring dwelling and therefore would be contrary to Policies KP2 and CP4 of the Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) which collectively seek to ensure development is well designed so that it protects immediate neighbours with regard to outlook, and ensures development has a good relationship with existing development, along with the living condition objectives within the Framework. The proposal would also be contrary to the Design and Townscape Guide, which states that extensions must respect the amenity of neighbouring buildings and ensure not to adversely affect outlook of the habitable rooms in adjacent properties.

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