



Appeal Decision

Site visit made on 9 June 2020 by Thomas Courtney BA(Hons) MA

Decision by Zoe Raygen DipURP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2020

Appeal Ref: APP/M1520/D/19/3242860

48 Rushbottom Lane, Benfleet, Essex SS7 4BU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Miss Sian Harding against the decision of Castle Point Borough Council.
 - The application Ref 19/0742/HPA, dated 10 October 2019, was refused by notice dated 21 November 2019.
 - The development proposed is Rear single storey extension to my semi-detached bungalow. Width of existing bungalow, extending out six metres, Cavity wall, concrete block, finished in render, Flat roof with two lantern lights.
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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 Matter

3. A revised plan showing an altered red boundary line between the appeal site and 46 Rushbottom Lane was submitted as part of this appeal. While I have accepted this plan, the issue of boundary encroachment would not be part of my assessment and therefore it has not been determinative.

Main Issue

4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, Part A.4(7) require the local planning authority to assess the proposed development on the basis of its impact on the amenity of any adjoining premises, where any adjoining occupier objects to the development. As an adjoining neighbour objected to the application, the Council assessed the impact of the proposal and found it unacceptable.
5. The main issue in this appeal is the effect of the proposal on the living conditions of the occupiers of the adjoining properties.

Reasons for the Recommendation

6. The appeal site comprises a semi-detached bungalow on the northern side of Rushbottom Lane which is an established residential street. The pair of semi-detached dwellings it forms part of lies at a slightly oblique angle when compared to the building line of the other properties on the northern side of the street. The neighbouring property to the east, at No. 46, has a large rear dormer across the full width of the property. A number of properties in the vicinity have single-storey rear extensions including at 44 and 52 Rushbottom Lane.
7. The proposed flat roofed single storey rear extension would extend 6 metres from the existing rear principle elevation and would stand 2.4 metres in height, abutting the west side boundary. It would also be unusually angled towards the boundary of No. 46 due to the orientation of the pair of semi-detached bungalows. In my view, the proposed development would dramatically change the outlook from the rear of No. 46 as it would result in there being developments close to both its boundaries, triggering an adverse sense of enclosure and creating a tunnelling effect compounded by the angle of the development. This angle, combined with the height and depth of the extension and its siting close to the common boundary, would make the proposal appear excessive and would have an intrusive and overbearing visual impact upon the rear elevation of No. 46 thereby causing an unacceptable level of harm to the outlook from No. 46.
8. Furthermore, due to its extensive depth of 6 metres, the development would decrease the amount of light received at No. 46. Although the proposed extension is only single storey and flat-roofed, the proximity of the extension to the boundary, its height and its position to the west of No. 46 means the extension would likely lead to overshadowing. The appellant states that the neighbour at No. 46 now accepts that the development would be flat-roofed and therefore would not block their access to light. Even if I were to accept that the occupiers of No 46 are content with the proposal, I have to have regard to all future occupiers of the property as well. This point therefore does not alter my view that the proposal would result in a loss of light for No. 46.
9. Turning to the neighbour at 50 Rushbottom Lane, whilst the proposal would abut the common boundary, I do not find that it would have an overbearing impact on the living conditions of the adjoining occupiers owing to the fact that No. 50 would not be boxed-in by developments on both its side boundaries. Indeed, there is a sufficient separation distance between the side extension of No. 52 and the western boundary of No.50. The residents at No. 50 would thus still enjoy an open rear outlook. The proposal would therefore not have an adverse impact on the living conditions of 50 Rushbottom Lane with regards to outlook.
10. For the above reasons, I conclude that the proposed development would cause an unacceptable level of harm to the living conditions of the occupants of 46 Rushbottom Lane in terms of loss of outlook and light.

Recommendation

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

Thomas Courtney

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.

Zoe Raygen

INSPECTOR