



Appeal Decision

Site visit made on 7 October 2020

by Michael Evans BA MA MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2020

Appeal Ref: APP/D1590/D/20/3248728

31 Fermoy Road, Thorpe Bay SS1 3HA

- 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 Mrs Katy Duddridge against the decision of Southend-on-Sea Borough Council.
 - The application Ref 19/01961/FULH, dated 24 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is a single storey rear extension with a flat roof with a raised terrace/patio to the rear garden.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect on the living conditions of the occupiers of the adjacent dwelling at 33 Fermoy Road, with respect to enclosure and outlook.

Reasons

3. The appeal concerns a dwelling with two storeys below eaves level. There is a fairly large ground floor bay window facing down the garden at the back of the attached dwelling at no. 33. This opening is relatively close to an existing ground floor extension at this property. There is also a single storey addition at the back of no. 31, alongside the shared boundary with the attached property, so that there are projections to both sides of the rear window. In consequence, the outlook from here is particularly vulnerable to any increased sense of enclosure.
4. The proposed flat roof addition would replace the existing structure, with the Appellant estimating its height to be about 650mm lower. However, the new addition would project significantly further to the rear, with the plans showing an overall depth of 6m, while also abutting the boundary. The potential visual impact of the replacement extension would, in consequence, be appreciably greater despite its lower height.
5. The Appellant points out that the adjacent hedge is sufficiently large so that the additional length of the proposed extension compared to the existing projection would not be seen from the adjacent garden and dwelling at no. 33. I also note the letter of support for the proposal from the occupiers of the adjoining dwelling. The Appellant indicates that the neighbours have no

intention to remove the hedge and find the development acceptable anyway. It is also argued that any future purchasers of the property would not buy if they did not like the extension.

6. It is acknowledged that if it could be retained during construction that the hedge would screen the extension. However, it seems inevitable to me that were the appeal allowed that the addition would be likely to be a significantly longer lasting feature than the vegetation. While current residents may wish to keep the hedge and not intend to remove it this cannot be guaranteed. Moreover, the views of the current occupiers may change, as could any intention not to move, while future residents might remove the hedge, or it could simply die. In any event, I must consider this appeal strictly on the basis of its planning merits and the views of adjacent residents do not, in themselves, confer acceptability. The presence of the hedge would not therefore justify accepting the development. Because it is only speculation, the possibility of an extension at the adjacent property would also not be a sound basis for allowing the appeal.
7. In these circumstances the proximity and depth of the extension would cause an unacceptable sense of enclosure and reduction in outlook at the attached dwelling. This would be the case despite matters such as the fairly large gardens at 31 and 33, the materials used and the erection of a new fence.
8. For the above reasons, it is concluded that the living conditions of the occupiers of the neighbouring dwelling would be harmed. The development would as a result conflict with Policies KP2 and CP4 of the Core Strategy 2007, Policies DM1 and DM3 of the Development Management Document 2015 and Supplementary Planning Document 1, Design and Townscape Guide 2009. These include the broad aim that development should protect the amenities of residents.
9. The Appellant refers to extensions that can potentially be built under the prior approval process with a depth of up to 6m. Nevertheless, the success of any such application is not certain so that it may not necessarily be possible to obtain permission for an extension this deep through this process. Moreover, I have not been provided with the details of any scheme that has such approval at the appeal site and afford this matter little weight.
10. The National Planning Policy Framework (The Framework) indicates that planning decisions should ensure that developments create a high standard of amenity for existing and future users. In this case the improved living conditions or amenity of the occupiers of the host dwelling would be achieved at the unacceptable expense of those of the neighbouring property. I therefore conclude that the proposal would also conflict with the Framework.
11. The Appellant expresses concern over the involvement of a local Councillor and indicates that amending the proposal on the basis suggested by the Council's case officer would not be acceptable. However, regardless of these factors and taking account of all other matters raised, because of the harm that I have found it is determined that the appeal fails.

M Evans

INSPECTOR