
Appeal Decision

Site visit made on 11 December 2020

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 January 2021

Appeal Ref: APP/D1590/D/20/3261070
79 Lifstan Way, Southend-On-Sea, SS1 2XQ

- 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 David Mitchell against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/00782/FULH, dated 19 May 2020, was refused by notice dated 28 July 2020.
 - The development proposed is the demolition of the existing rear single storey extension and construction of a new single storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 77 Lifstan Way, with particular regard to outlook.

Reasons

3. The appeal property is a 2-storey semi-detached house that is located in a residential street comprising characterful inter-war housing. It features a small single-storey rear wing to which a small flat-roofed extension has been added. These elements are set away from the boundary shared with the attached neighbouring house, 77 Lifstan Way.
4. The proposal would comprise the partial demolition of the rear wing and the erection of a full-width single-storey addition with a flat roof. This would protrude a significant distance beyond the main rear wall of the property and would therefore result in a substantial expanse of wall on the boundary. This wall would be notably taller than the existing fence and as a consequence would result in a substantial and unneighbourly reduction in outlook from the nearby aperture in the rear elevation of No.77. In addition, it would unacceptably enclose the outdoor space immediately to the rear of No.77.
5. Due to its siting, height and rear protrusion I therefore conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of No.77. As such the proposal is contrary to Policy CP4 of the Southend On Sea Core Strategy Development Plan Document One (2007) and Policies DM1 and DM3 of the Development Management Document (2015). These policies resist development that would create a detrimental impact upon

the living conditions of neighbouring residents having regard to, amongst other matters, outlook and visual enclosure. There is also conflict with the aims of the Council's Supplementary Planning Document 1, Design and Townscape Guide 2009 and the National Planning Policy Framework (2019).

Other Matters

6. I note that a potential fall-back position may exist by virtue of Class A of Part 1 to Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015. However, without clear evidence that the appeal property benefits from such rights, details of what could as a matter of fact be built and a clear intention to do so, I attribute limited weight to the potential fall-back position.
7. I recognise that as the proposal would be to the north of No.77 it would not have a detrimental impact on levels of sunlight reaching No.77. I also note the absence of objections on planning grounds. Neither of these matters outweighs the clear harm identified above.

Conclusion

8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should fail.

S Poole

INSPECTOR