

Appeal Decision

Site visit made on 25 November 2020

by J Bell-Williamson MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2021

Appeal Ref: APP/M1595/D/20/3254186

230 Lodge Lane, Grays RM16 2TH

- 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 Carlos Moore against the decision of Thurrock Council.
 - The application Ref 20/00355/HHA, dated 18 March 2020, was refused by notice dated 28 May 2020.
 - The development proposed is single storey rear extension, first floor side extension and garage conversion.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension, first floor side extension and garage conversion at 230 Lodge Lane, Grays RM16 2TH. The permission is granted in accordance with the terms of the application Ref 20/00355/HHA, dated 18 March 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and A102.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue is the effect of the proposed rear extension on the living conditions of the occupiers of No 228 Lodge Lane, with regard to outlook and natural light.

Reasons

3. The appeal property is a two storey semi-detached dwelling in a residential road of similar property types.
 4. Policy PMD1 of the Thurrock Core Strategy and Policies for Management of Development document (the Core Strategy) concerns minimising pollution and impacts on amenity. It states, amongst other criteria, that development will not be permitted where it would cause unacceptable effects on the amenity of
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neighbouring occupants. The *Thurrock Design Guide, Residential Alterations & Extensions* Supplementary Planning Document (SPD) provides detailed guidance in support of development plan policies. It says that extensions should not have an overbearing impact on adjacent properties or cause them to be excessively enclosed or over shadowed. The height of an extension should not exceed a vertical plane inclined at 45 degrees from the middle of the closest ground floor window of a neighbouring property; the depth and width should not normally exceed a horizontal plane inclined at 60 degrees from the middle of the closest window of a neighbouring property.

5. The Council's concern in this case is that the depth and height of the single storey rear extension would have a harmful effect on views from the nearest ground floor window in the neighbouring property, No 228. From the site inspection it is clear that this window serves a kitchen.
6. The proposed extension would result in a minor breach of the 45 degree vertical plane, according to the Council. From the submitted plans, it is also the case that the 60 degree horizontal plane would only be breached marginally by the extension's depth and width. There is a boundary fence adjacent to No 228's kitchen window and substantive planting along the boundary next to the position of the extension.
7. Given the relatively limited breach of the standards set out in the SPD and the existence of the boundary fence and planting, the side wall of the extension as seen from the neighbouring kitchen would not be a dominant or overbearing feature. The Council also refers to a tunnelling effect caused by the extension. This effect usually occurs when a window has development projecting either side of it. While No 228 has a rear conservatory to the other side of the kitchen window, this is of limited depth and is predominantly a glazed rather than solid brick structure. As such, the addition of the extension with the limited effects described would not result in a tunnelling effect in views from the kitchen window.
8. With regard to natural light, the limited height of the extension with a flat roof would not cause any loss of daylight to the neighbouring window. The orientation of the properties means that the only potential effect on sunlight as a result of the extension would be in the late afternoon and evening. However, the limited height and flat roof would mitigate any potential harm in this regard.
9. I agree with the Council that the first floor extension and garage would not be harmful for the reasons given in the officer's report. Therefore, taking these findings as a whole, I conclude that the proposed rear extension would not have a materially harmful effect on the living conditions of the occupiers of No 228 Lodge Lane, with regard to outlook and natural light. Consequently, there is no conflict with Policy PMD1 of the Thurrock Core Strategy, as described above and so the appeal should succeed.

Conditions

10. Of the Council's suggested conditions I have imposed the standard time condition and, to ensure the proper implementation of development in accordance with the submitted details, one requiring development to be carried out in accordance with the approved plans. I agree also that a condition

requiring the external materials used to match those of the existing building is needed in the interests of the appearance of the host dwelling and wider area.

Conclusion

11. For the reasons given above it is concluded that the appeal should succeed.

J Bell-Williamson

INSPECTOR