



Appeal Decision

Site Visit made on 9 February 2021

by A Blicq BSc(Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 11 February 2021

Appeal Ref: APP/M1595/D/20/3261297

12 Balmoral Avenue, Corringham SS17 7PB

- 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 A Carver against the decision of Thurrock Borough Council.
 - The application Ref 20/00452/HHA, dated 16 April 2020, was refused by notice dated 23 September 2020.
 - The development proposed is Single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development on the living conditions of occupiers of 14 Balmoral Avenue with particular regard to light and outlook.

Reasons

3. Numbers 12 and 14 Balmoral Avenue (Nos 12 and 14) are semi-detached bungalows. Number 12's original footprint has been infilled to the rear and the flank wall of an existing extension forms a blank elevation along the shared boundary. The outlook from a habitable room at No 14 is significantly restricted by this flank wall.
4. The development would extend the flank wall along the boundary by a further 3.5 metres, (approximately). It would extend further than a sun lounge attached to the rear of No 14, and which is set back from the shared boundary by about 2.5 metres.
5. The Residential Design Guide (SPD) states that extensions should not have an overbearing impact on adjacent properties or cause them to be excessively enclosed or overshadowed. In this case the extension would be opposite No 14's sun lounge and would be within the 60 degree horizontal plane measured from the closest window at No 14, as set out in the SPD.
6. As the evidence submitted does not include a professional sunlight and daylight analysis with evidence to the contrary, I conclude that the extension would have an overbearing impact on No 14 and would cause excessive enclosure and light loss. Even if it was shown that there was no significant impact on light entry at No 14, the outlook from the aforementioned habitable room would be effectively along an 8 metre long tunnel which would not be satisfactory.
7. The appeal statement notes that the existing extension *exceeds the Right to Light of the adjoining property already*. However, this reinforces my reasoning.

The existence of harm does not justify increasing that harm. I appreciate that the current occupiers of No 14 do not object to the development, but that situation or the occupiers may change.

8. The appeal statement also states that the pitched roof of the extension could be replaced with a flat roof, but that is not what is before me. The plans show that the pitched roof above the existing extension would be retained.
9. The development would be detrimental to the living conditions of occupiers of No 14 which would be contrary Policy PMD1 of the Core Strategy. This does not permit development where it would cause unacceptable effects on the amenity of others, as well being contrary to guidance in the SPD.

Conclusion

10. The appeal is dismissed.

A Blicq

INSPECTOR