
Appeal Decision

Site visit made on 1 June 2021

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2021

Appeal Ref: APP/D1590/W/20/3248829

Tea Beside the Sea, 18 High Street, Shoeburyness, Southend-on-Sea, SS3 9AH

- 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 Sarah Kavanagh against the decision of the Southend-on-Sea Borough Council.
 - The application Ref. 19/02047/FUL dated 8 November 2019, was refused by notice dated 13 February 2020.
 - The development proposed is to erect a timber shed to rear.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a timber shed to rear at Tea Beside the Sea, 18 High Street, Shoeburyness, SS3 9AH in accordance with the terms of the application, Ref 19/02047/FUL, dated 8 November 2019, subject to the following conditions:
 - 1) The development hereby approved shall be retained on site solely in accordance with the approved plans: Existing and proposed plans 1 of 2 and Existing and proposed plans 2 of 2.
 - 2) Notwithstanding the 'Notes' on drawing No. 2 of 2, within three months from the date of this decision, the plastic cladding shall be replaced with timber cladding painted black and retained as such for the lifetime of the development.

Preliminary matters

2. The shed is substantially complete, and to that extent the application is for retrospective approval.

Main Issue

3. The main issue in this case is the effect of the appeal building on the living conditions of the residential occupiers at Nos. 20A and 20B High Street.

Reasons

4. The most relevant development plan document drawn to my attention, in relation to the issue in this case, is Supplementary Planning Document 1 'Design and Townscape Guide 2009' This requires new development to be designed so as not to unreasonably overshadow, block daylight or be unduly

obtrusive to adjacent buildings, and proposals that cause a significant loss of light to their neighbours will be considered unacceptable.

5. The appeal site is on the eastern side of High Street. No. 18 is within a parade of commercial units of 2 and 3 storeys, designated as a secondary shopping frontage. It is within the Shoebury Garrison Conservation Area. It is occupied by a tea room – 'Tea Beside the Sea'. This single storey unit occupies most of its curtilage, with a small open area at the rear some 2.1m wide by 2.46 long. It is within that open area that the 'shed' has been erected. The shed, which is largely completed, is constructed of timber framing, faced on the outside with white plastic cladding. Its purpose is to house fridges and other storage for the tea room.
6. The frontage building at No. 20 High Street appears to have accommodation on 3 floors. Behind the frontage building there are 2 attached single storey dwellings. Nos. 20A and No.20B. These 2 dwellings are accessed by a narrow alleyway between Nos. 18 and 20 High Street. They have very little outside space, some of which is occupied by small refuse and cycle stores. These open areas do, however, provide limited outside amenity space, and there is a bedroom window of 20B, 3m away from the exterior wall of the shed.
7. The officer's report states that there is no material loss of light to windows serving habitable rooms, and I consider that there is no tangible effect on the interiors of either dwelling. The issue in this case turns on the effect on sunlight and daylight, and the extent to which the shed is unduly obtrusive. At the time of my visit, mid-morning in June, these small yards were bathed in sunshine, but this time of the year places the sun at near to its highest in the sky. My assessment is that when the sun is lower in the sky, it is not the shed that will have the effect of reducing daylight and sunlight, but the tall building at No. 16 which projects back beyond the rear of No. 18, and is situated to the south of Nos. 20A and 20B. The front of No.16 consists of a single storey shop unit, so that as the sun moves to the west later in the day, as far as I could judge, it will still light the yards except at the time of the year when the sun is very low in the sky. I conclude that the effect of the shed on sunlight and daylight on Nos 20A and 20B is small, and does not justify the refusal of permission.
8. Turning to the consideration of undue obtrusiveness, since the shed presents a side only 1.79m long (some 5ft 10ins), in the context of the very dense development in the immediate vicinity, I do not find this claim persuasive. I do understand that any change in the immediate surroundings will be felt by the occupiers of 20A and B to be an infringement, but it is necessary to weigh the degree of harm against the reasonable expectation of the business at No. 18 to use its land to the best advantage. I therefore conclude that the refusal reason given by the council was not justified.
9. As mentioned in paragraph 5 above, the appeal site is within the Shoebury Garrison Conservation Area. As will be apparent from my description of the site above, the shed is at the rear of the building and can at most be barely glimpsed from the High Street through the gate on the frontage that gives access to the narrow passage. In my judgement the shed has no effect on the character or appearance of the conservation area. Therefore the suggestion by the council that black painted boarding would be more in character with the conservation area than the white plastic cladding carries little weight. However, a dark surface presented to the occupiers of Nos. 20A and B may be less

intrusive than the glare of white plastic. Since the appellant has indicated that a condition to change the external appearance in this way is acceptable, I will take up the condition suggested by the council.

10. In the light of the considerations that I have set out above, I conclude that the appeal should be allowed. I will grant planning permission, subject to the condition that I have mentioned for the reasons given. The council has also suggested a condition that the development should be retained in accordance with the submitted plans. I will impose this condition for clarity, to ensure that there is a record of what has been approved.

Terrence Kemmann-Lane

INSPECTOR