



Appeal Decision

Site visit made on 8 June 2021

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2021

Appeal Ref: APP/D1590/D/21/3268521

11 Grange Road, Leigh-on-Sea, Essex, SS9 2HS

- 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 Neel Patel against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01620, dated 1 October 2020, was refused by notice dated 30 November 2020.
 - The development proposed is a single-storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey side extension at 11 Grange Road, Leigh-on-Sea, Essex, SS9 2HS in accordance with the terms of the application, Ref 20/001620, dated 1 October 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 plan: 173_R04 Rev B.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the living conditions of the neighbouring occupier with regard to outlook. The development plan includes policies KP2 and CP4 in the Southend-on-Sea Core Strategy (2007) and policies DM1 and DM3 in the Council's Development Management Document (2015) which, amongst other things, seek to ensure that proposals improve the urban environment through quality design, secure a good relationship with existing development and have regard to the Council's Design and Townscape Guide SPD, protect the amenity of immediate neighbours having regard to outlook and do not lead to over-intensification.
3. The appeal site comprises a semi-detached Victorian house in a residential street of similar properties. It shares a side access path with the neighbouring property (no 9/9A) which has been subdivided into two flats. The appeal dwelling has been previously extended with a small single storey extension to the rear of the two storey outrigger. The proposal would extend along the

length of the outrigger, incorporating the previous extension into the development and partially infilling the side return. It would have a length of some 7m from the main rear wall of the dwelling and would be sited some 0.84m from the side boundary, some 1.65m closer to its neighbour at no 9/9A. It would have a single pitched roof of 3.5m high and an eaves height of 2.7m. Other than rooflights there would be no windows in the side elevation. A timber fence of some 1.8m separates the two properties along the side boundary.

4. The Council's concerns relate to a rear facing ground floor bedroom window in the main rear elevation of the ground floor flat at no 9 which is the only window to that room. There is an existing sense of enclosure to the outlook from that window by reason of the existing two storey outriggers at both no 9/9A and at the appeal site. In this context and given the limited height of the proposal, the sense of enclosure would not be significantly worsened and the relationship between the properties would be acceptable.
5. Furthermore, I have noted that the Council has given notice that a similar extension, projecting 5.7m beyond the existing rear wall, 2.9m high to the eaves and with a maximum height of 3.8m would comply with condition A.4 of Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended). Such an extension would be only slightly shorter in length (around 1.27m) than the current proposal and its impact by reason of its greater height would be worse. It is likely that if this appeal were dismissed, that extension would be implemented and this carries further weight in favour of the current proposal.

Conclusion

6. For the reasons stated above, I conclude that the proposed development would not result in significant harm to the living conditions of the neighbouring occupier at no 9 in terms of outlook and would accord with the development plan policies referred to above. The appeal is allowed.

Sarah Colebourne

Inspector