
Appeal Decision

Site Visit made on 3 August 2021

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th August 2021

Appeal Ref: APP/M1595/D/21/3270988

6 Church Crescent, SOUTH OCKENDON, RM15 6QP

- 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 Beth Miller against the decision of Thurrock Borough Council.
 - The application Ref 20/01632/HHA, dated 20 November 2020, was refused by notice dated 9 February 2021.
 - The development proposed is 6m rear single extension, part double 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 8 Church Crescent, with particular reference to light and outlook.

Reasons

3. 6 Church Crescent is a semi detached two storey dwelling located within a residential street comprising pairs of similar dwellings. To the rear of the dwelling it is possible to see a range of extensions and alterations that have taken place to neighbouring dwellings.
4. The proposed single storey rear extension would be built along the shared boundary with 8 Church Crescent and would replace the existing low boundary wall and fencing.
5. Policy PMD1 of the Thurrock Core Strategy and Policies for Management of Development 2015 states that development will not be permitted where it would cause unacceptable effects on the amenity of neighbouring occupants.
6. Guidance set out within the Thurrock Residential Alterations and Extensions Design Guide 2017 (RAE) states that the depth and width of rear extensions should not normally exceed a horizontal plane inclined at 60 degrees from the middle of the closest window of the neighbouring property. As a result of its overall depth the extension would exceed the 60 degrees maximum depth when taken from the centre of the ground floor opening which provides light into the habitable room of no 8 contrary to the guidance set out within the RAE, which seeks to avoid dominance on neighbouring properties.

7. Given the extent of that projection, and the proximity of the adjacent window I find that the proposal would have an overbearing impact when viewed from within the dwelling and the garden immediately to the rear. Given the scale and height of the proposed extension in conjunction with its proximity to No 8 it would obstruct light and outlook from a ground floor window at this neighbouring property, which serves a habitable room. In my view that would be harmful to the living conditions of neighbouring residents.
8. It has been put to me that a fence of similar height could be built under permitted development, however whilst permitted development rights allow for boundary treatments of 2m, in domestic rear gardens a height of 1.8m is more common. Even if I accept that a fence could be erected at 2m this would be less harmful in terms of impact and dominance than the proposed extension which would exceed this height. Consequently, I have given limited weight to the suggested fall-back and have considered the proposal on its own merits.
9. I have also noted the points made in relation to the potential tunnelling effect with No 8 and the lack of side facing windows, however neither of these points form part of the Council's reason for refusal and I am content that the proposed extension would not lead to tunnelling nor would it lead to any potential for overlooking of neighbouring properties, taking into account the current level of mutual overlooking that currently exists.
10. Therefore, by virtue of its depth in proximity to the boundary, the proposed rear extension would have an overbearing impact and result in a loss of light to a habitable room and outlook when viewed from the neighbouring property at No. 8 such that it would have a detrimental effect on the living conditions of residents of that dwelling. Accordingly, it would be contrary to policy PMD1 of the CS and the guidance contained within the RAE which together seek to ensure appropriate standards of amenity for existing occupiers.

Other Matters

11. The proposal also includes a two-storey rear extension which is offset from the boundary of 8 Church Crescent. I find no harm in respect of this element of the proposal and I note the Council raised no objection in this regard either.

Conclusion

12. For the reasons given above I conclude that the appeal should be dismissed.

G Pannell

INSPECTOR