The Planning Inspectorate

Appeal Decision

Site visit made on 19 August 2021

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 September 2021.

Appeal Ref: APP/D1590/D/21/3277525
3 Albert Road, Southend-on-Sea SS1 2HF

- 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 Daiva Lugoborska against the decision of Southend-on-Sea Borough Council.
- The application Ref 21/00567/FULH, dated 15 March 2021, was refused by notice dated 30 April 2021.
- The development proposed is for a single storey rear infill extension.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) on 20 July 2021. Whilst I have had regard to the revisions, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the changes to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

3. I have been provided with the Council's decision notice (ref: 20/01478/FULH) approving the detached outbuilding to the rear, which was originally part of this appeal. It remains for me to consider the single storey rear infill extension; I have dealt with the appeal on this basis and altered the description accordingly.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupants of 1 Albert Road with regard to loss of light, outlook and overbearing impact.

Reasons

5. The appeal property is a mid-terrace, two-storey dwelling in a residential area on the outskirts of Southend-on-Sea. The proposal is a single-storey rear addition that would infill the area between the kitchen and lounge, projecting outwards by approximately 5.5 metres from the rear wall of the main house and with its flank elevation lying on the boundary with 1 Albert Road.

6. The development would be substantially higher than the existing boundary fence. Taken together with the significant rearward projection and close proximity relative to the adjoining property, I consider that it would result in harm to the living conditions of 1 Albert Road. It would appear oppressive and overbearing when viewed from the neighbour's facing window in the rear wall of the main house and the openings in the ground floor side wall of the two-storey outrigger, and result in a loss of daylight to these openings.

7. I have assessed all matters that have been advanced in support of the development, including the presence of the existing fence on the common boundary between 1 and 3 Albert Road and the lower garden level. However, the scheme continues to be unacceptable for the reasons I have outlined above.

8. I therefore conclude that the proposal would cause harm to the living conditions of the occupants of 1 Albert Road with regard to loss of light, outlook and overbearing impact. It would fail to accord with policies KP2 and CP4 of the Southend-on-Sea Core Strategy December 2007, policies DM1 and DM3 of the Council's Development Management Document 2015 (DMD) and the Design and Townscape Guide 2009. Collectively these policies seek to ensure new development protects the amenities of immediate neighbours. It would also be inconsistent with the advice in the Framework which seeks to ensure safe and healthy living conditions.

Conclusion

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

C Hall

INSPECTOR