
Appeal Decision

Site visit made on 14 September 2021

by J Davis BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2021.

Appeal Ref: APP/D1590/D/21/3272291

47 Maple Avenue, Leigh-On-Sea, SS9 1PR

- 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 Ewing against the decision of Southend-on-Sea Borough Council.
 - The application Ref 20/01964/FULH, dated 18 November 2020, was refused by notice dated 13 January 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 47 Maple Avenue, Leigh-On-Sea, SS9 1PR in accordance with the terms of the application, Ref 20/01964/FULH, dated 18 November 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: P01 and P02.
 - 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.

Procedural Matter

2. On 20 July 2021, the Government published a revised version of the National Planning Policy Framework (the Framework). I am satisfied that the updates to the Framework do not materially affect its content insofar as it is relevant to the main issues of this appeal, and I am therefore satisfied that no parties have been prejudiced by my having regard to it.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 49 Maple Avenue, with particular reference to outlook and light.

Reasons

4. The appeal property is a three-storey mid terrace dwelling. The proposal is for a single storey rear extension which would extend across the width of the dwelling and would have a depth of 2 metres.

5. The existing terrace which the appeal property forms part of is staggered, with the neighbouring dwelling, 49 Maple Avenue, set back behind the existing rear wall of the appeal property by about 2.3 metres.
6. The proposed extension would add further built form along the boundary with 49 Maple Avenue. This property has a small single panel window adjacent to the boundary with the appeal site, with glazed patio doors located further away from the boundary. The boundary itself is formed by a fence of about 1.8m in height.
7. The rear patio area of 49 Maple Avenue is already enclosed by the high flank wall of No 47. The garden of that property is shallow in depth and already has an enclosed character, being surrounded by relatively high buildings. The proposed extension would have a depth of 2 metres and would have a lean to roof with a stated maximum height of about 3.6 metres where it joins the rear elevation of the dwelling, sloping down to an eaves height of about 2.2 metres.
8. Given the limited depth of the proposed extension and its single storey nature and lean-to design, I do not consider that it would add materially to the sense of enclosure already created by the high flank wall of the appeal property and the boundary fence. I therefore conclude that the outlook of the occupiers of No 49 would not be materially harmed by the proposal.
9. Similarly, even considering the combined depth of the protrusion of the existing flank wall and the flank wall of the proposed extension (i.e. approx. 4.3 metres), in my view, the proposed single storey extension would be unlikely to have a significant effect on the amount of light received by the ground floor windows of the neighbouring dwelling.
10. In conclusion, the proposal would not have a significant harmful effect on the living conditions of the occupiers of 49 Maple Avenue, with particular reference to outlook and light. As such, it would comply with Policies CP4 and KP2 of the Southend on Sea Core Strategy (2007) and Policies DM1 and DM3 of the Development Management Document (2015) as well as advice contained within the Supplementary Planning Document 1 Design and Townscape Guide 2009 and paragraph 130 (f) of the Framework which collectively seek to protect the living conditions and amenity of existing and future residents and neighbouring occupiers.

Conditions

11. In addition to the standard 3 years implementation condition I have imposed a condition requiring the extension to be constructed in matching materials to ensure a satisfactory external appearance. The approved plans condition is imposed for clarity.

Conclusion

12. For the reasons set out above, I conclude that the appeal should be allowed.

J Davis

INSPECTOR