The Planning Inspectorate

Appeal Decision

Site visit made on 17 November 2021

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date:14 th December 2021

Appeal Ref: APP/D1590/D/21/3281314
117 Southsea Avenue, LEIGH-ON-SEA, SS9 2BH

- 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 G Burgess against the decision of Southend on Sea Borough Council.
- The application Ref. 21/00670/FULH, dated 30 March 2021, was refused by notice dated 7 June 2021.
- The development proposed is to demolish existing rear ground floor extension and rebuild along with first floor rear extension and alterations to existing loft conversion.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. In Part E of the appeal form a different wording has been entered, but as the parties have not provided written confirmation that a revised description of development has been agreed I have used the one given on the original application.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of neighbouring properties, with particular reference to outlook, access to light and the potential for overshadowing.

Reasons

4. The appeal property is a two-storey detached dwelling with an extended loft conversion. It has a first-floor rear wing and a single-storey rear addition with a shallow pitched roof. These elements are inset from the southern boundary, with the main dwelling built up to its flank boundaries. A pedestrian walkway between Nos. 115 and 117 Southsea Avenue provides gated access into their rear gardens. The appeal property is on slightly higher ground than No. 115. There is also a pedestrian gap between the appeal property and the building to the north, which the parties agree comprises ground and first floor flats, Nos.119 and 119A.

5. The appeal dwelling already projects deeply beyond the neighbouring buildings, but this impact is to a degree mitigated by the spacing between them. There

would be a reasonably large gap between the proposed first-floor extension and No.115, but any benefit arising from this would largely be offset by the material increase in depth. The appellant considers that the basis of the pre-existing relationship will be the same and that the neighbours already live with an extension at this point. However, at ground floor level the proposal would infill most of an existing open space, and the replacement rear extension would be wider and with a steeper pitched roof.

6. The relationship between buildings would therefore be materially different. Notwithstanding the pedestrian gap between buildings, cumulatively the overall depth, width and height of the proposed extensions would appear unacceptably overbearing on the outlook from No.115, and would create an undue sense of enclosure. This would be in conflict with the aims of Policy DM1 (iv) of the Council's Development Management Document 2015 (DMD), which requires development to protect the amenity of immediate neighbours, having regard to matters including outlook, visual enclosure, daylight and sunlight.

7. A typical design feature of dwellings of this period is that of deep rear wings that are staggered in width, and this layout is found at Nos.119/119A. The result is that windows in the main section of the original dwelling are set back within a 'well' created by the rear wings of No.119/119A, 121 and the appeal property. Notwithstanding the gap between habitable rooms, the proposed increase in depth of the proposed two-storey element, and the resultant height and expanse of wall on the boundary, would have a significant impact on the outlook for occupants of Nos 119/119A. The proposal would create a 'tunnelling effect' between wings and an undue sense of enclosure for residents, to the detriment of their outlook. Positioned to the south of the neighbouring building, the additional first-floor projection is likely to exacerbate light loss and overshadowing to habitable rooms of that property.

8. It is noted that extensions elsewhere in the vicinity have created similar or poorer relationships between buildings but this does not justify repeating such patterns. No details have been provided of associated planning permissions or the policy frameworks against which they were assessed, and as such they offer limited support to the proposal. Moreover, whilst the appellant considers that the proposal would be an architectural improvement to the dwelling, this must be balanced against its other impacts. It is acknowledged that the extensions would improve the level of family accommodation at the property, but as proposed this would be at the expense of the living conditions of neighbouring residents.

9. No objections were received from neighbouring residents in response to public consultation, but whilst individual residents may not oppose the development, it is appropriate to assess the impact of the proposal in the long term, on current and future residents.

10. The proposal would therefore result in an undue sense of enclosure and diminish the outlook for residents of neighbouring properties to a degree that their living conditions would be harmed. In addition, due to the orientation, the proposal would also cause overshadowing and light loss of 119 and 119A Southsea Avenue. These harms would be in conflict with the aims of DMD Policy DM1 (iv), and with Core Strategy[1] Policies KP2 and CP4, which amongst other criteria seek to secure improvements to the urban environment through

[1] Southend on Sea Core Strategy Development Plan Document One, 2007

quality design and to maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development. I do not find any conflict with DMD Policy DM3 as this appears to relate to matters of building character rather than amenity, but that does not alter my conclusion.

11. Whilst I acknowledge the appellant's view that the Council's Design and Townscape Guide 2009 pre-dates the National Planning Policy Framework (the Framework), the guidance for extensions to respect the amenity of neighbouring buildings and to ensure no adverse effect on light and outlook of habitable rooms is consistent with the requirement in the national document, to ensure that developments create places that promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

12. The appellant considers that the presumption in favour of sustainable development as set out in paragraph 11 d) of the Framework should apply, as the proposal would improve the quality of the accommodation and so contribute positively to the overall stock of housing in the Borough. However, in this case I find that the application of policies in the Framework regarding the amenity-related aspects of design provide a clear reason for refusing the development.

Conclusion

13. For the above reasons, I conclude that this appeal should be dismissed.

H Lock

INSPECTOR