
Appeal Decision

Site visit made on 9 March 2022

by H Lock BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16TH March 2022

Appeal Ref: APP/D1590/D/21/3288649
8 North Street, Leigh-On-Sea, SS9 1QE

- 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 Daniel Bayliss against the decision of Southend-on-Sea Borough Council.
 - The application Ref. 21/01862/FULH, dated 9 September 2021, was refused by notice dated 4 November 2021.
 - The development proposed is to demolish rear ground floor bathroom and part of kitchen. Construct a new ground floor kitchen/diner and works to include a new internal bathroom.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development above comes from the appeal form. Whilst normally this would be taken from the original planning application form, the above is a distilled version of the description on that form, and I have therefore used the more succinct version above.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of occupants of 9 North Street, with particular reference to outlook.

Reasons

4. The appeal property is the central dwelling of a terrace of three properties. All three have a two-storey rear wing with single-storey element beyond. The wings of Nos 8 and 9 are both set away from the shared boundary and this creates a narrow 'well' between the two. Rear-facing openings to habitable rooms in the main section of each dwelling are set back within this well. Both properties have side facing kitchen windows in the wing.
5. The proposed extension would be deeper, wider and overall taller than the single-storey flat-roofed element that it would replace. Although the increase in depth would be modest, this combined with the height and closer proximity to the shared boundary with No.9 would create an unduly dominant and oppressive addition in the outlook from that property. A projection of 6m beyond the ground floor rear-facing window of No.9, and inset a modest

500mm from the boundary, would create an unacceptable sense of enclosure. This would conflict with the aims of Policy DM1 (iv) of the Council's Development Management Document¹ (DMD), which requires development to protect the amenity of immediate neighbours in matters including outlook and visual enclosure.

6. This policy is supported by the Council's Design and Townscape Guide² (DTG), which advises that extensions must not adversely affect the outlook of habitable rooms in adjacent properties; and that proposals which would result in a neighbouring window, as the sole source of light to a habitable room, being contained between two projections will require careful consideration to ensure that light, outlook and spaciousness to the adjoining property is retained.
7. The appellant advises that the existing boundary fence is 1.8m high, and that the new side wall of the extension would be the same height as the fence, although the submitted plan gives the lowest proposed eaves height as 2.2m. At the appeal site visit, the fence appeared to be lower than 1.8m, albeit this was measured from decking on site. I have no information to indicate that the height of the boundary fence could not be increased, but express planning permission would normally be required for a fence to match the eaves height indicated. Furthermore, the extension height would increase further as the roof slopes back towards the two-storey wing, and I do not share the appellant's view that the angled roof may provide additional light to No.9 from its surface.
8. I therefore conclude that, as a result of its height, depth and proximity to the shared boundary, the proposal would diminish the outlook from 9 North Street to a degree that the living conditions of occupants would be harmed. This would be contrary to the National Planning Policy Framework, which advises that planning decisions should create places which promote health and well-being, with a high standard of amenity for existing and future users; and contrary to DMD Policy DM1 (iv), the DTG, and Core Strategy³ (CS) Policy CP4, which expects proposals to maintain and enhance the amenities, appeal and character of residential areas, securing good relationships with existing development.
9. I find no conflict with the requirements of DMD Policy DM3 or the more strategic aims of CS Policy KP2, but that does not alter my conclusion.

Other Matters

10. I note the appellant's comments about the advice offered by the Council in preparing this revised proposal, but such procedural matters cannot be explored in a Section 78 planning appeal, and I have considered the appeal on its planning merits.

Conclusion

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

H Lock

INSPECTOR

¹ Southend-on-Sea Borough Council Local Planning Framework Development Management Document, July 2015

² Southend-on-Sea Borough Council Supplementary Planning Document 1, Design and Townscape Guide 2009

³ Southend-on-Sea Borough Council Local Development Framework, Development Plan Document One, Core Strategy, 2007