



Appeal Decision

Site visit made on 23 June 2023

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2023

Appeal Ref: APP/M1520/D/22/3311883

29 Picketts, Canvey Island, Essex SS8 9NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Mr Graham Taylor against the decision of Castle Point Borough Council.
 - The application Ref 22/0659/HPA, dated 18 August 2022, was refused by notice dated 28 September 2022.
 - The development proposed is 6m extension to rear of property.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Under Article 3(1) and Schedule 2, Part 1, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (the GPDO), planning permission is granted for the enlargement of a dwellinghouse consisting of a single storey extension beyond the rear wall of the original dwellinghouse, in the case of a semi-detached dwellinghouse, by no more than 6m, subject to limitations and conditions.
3. Where an application is made for a determination as to whether prior approval is required for development which exceeds the limits in paragraph A.1(f) but is allowed by paragraph A.1(g) to Part 1, paragraph A.4(3) provides that the local planning authority may refuse the application where it considers that the proposed development does not comply with the conditions, limitations or restrictions that are applicable to such permitted development. The policies of the development plan may be relevant but only insofar as they relate to the matters and only as evidence to support the planning judgement being made.
4. Paragraph A.4(7) requires the local planning authority to assess the impact of the proposed development on the amenity of all adjoining premises where any owner or occupier of any adjoining premises objects to the proposed development. Two representations were received. One is from the occupier of the adjoining premises and I will return to this matter. The other is from an address which is not adjoining the site and does not confirm if it is from the owner of an adjoining premises. In any event, it is raising a procedural concern regarding the application the subject of this appeal and a separate planning application. Such a matter would not fall within the scope of matters to be considered through this appeal.

Main Issue

5. An objection was received from the occupier of 27 Picketts, an adjoining property. The Council therefore considered the impact of the proposed development on the amenity of adjoining premises as required. The Council subsequently refused the application on grounds relating to the effects of the proposal on the amenity of adjacent occupiers at 27 Picketts.
6. The main issue is whether prior approval should be granted, having regard to the effect of the proposed development on the amenity of 27 Picketts with particular regard to outlook.

Reasons

7. The appeal property is a semi-detached dwelling occupying a corner plot at the junction of Picketts and St Marks Road. The appeal property and its attached neighbour (No 27) share a single storey garage block which sits at the end of the garden, adjacent to Picketts. The neighbouring dwellings on Picketts have a stepped arrangement, with the adjacent building sitting closer to Picketts than the appeal property and its attached neighbour. As a consequence, the garden space of No 27 is enclosed by the existing built form except to the appeal site.
8. The Residential Design Guidance Supplementary Planning Document ratified 14 November 2012 advises that dwellings can be adversely affected by new development which extends significantly beyond the walls of neighbouring dwellings, creating an oppressive and over-dominant feature.
9. The proposed extension would be in close proximity to the boundary with No 27. While it would be flat roofed and single storey, it would project for 6m, occupying the majority of the space between the rear elevation of the properties and the garages. The additional height above the boundary treatment would be relatively limited, however when taken in conjunction with the 6m length of the proposed extension, it would exacerbate the sense of enclosure felt in the garden of No 27 by effectively enclosing it to all sides. The outlook from the rear garden of No 27 would therefore be unacceptably harmed.
10. I therefore conclude the proposal would have a harmful effect on the amenity of the occupiers of 27 Picketts, with particular regard to outlook.

Other Matters

11. Given the orientation of the properties, position of the proposed extension to the north of No 27 and its height, there would not be a material loss of direct sunlight or daylight to No 27. However this would amount to a lack of harm and would therefore be a neutral factor in my decision.
12. The generous size of the garden of the appeal property does not change my assessment of the effect of the proposed development on the amenity of the adjoining neighbour, nor does the outlook available from the front garden of No 27. The surrounding pattern of development in the wider area does not mitigate the harmful effects I have found above.
13. Noise disruption during the construction process would be temporary in nature and duration. Right to light is a separate private right to the amenity issues I

have considered above. The benefits to the appellant from the development are not matters to be taken into account in prior approval decisions.

Conclusion

14. For the reasons given, the appeal is dismissed.

J Downs

INSPECTOR