



Appeal Decision

Site visit made on 5 July 2023

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal Ref: APP/M1595/D/22/3307208

65 Feenan Highway, Tilbury RM18 8ET

- 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) and Schedule 2, Part 1, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).
 - The appeal is made by Miss Victoria Gridley against the decision of Thurrock Borough Council.
 - The application Ref 22/01098/PHA was refused by notice dated 16 September 2022.
 - The development proposed is rear extension with a depth of 6 metres from the original rear wall of the property, with a maximum height of 3 metres and eaves height of 3 metres.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

3. The main issue is the effect of the proposal on the amenity of adjoining premises with regard to outlook and light.

Reasons

4. The appeal site consists of one of a pair of semi-detached dwellings with gardens projecting to the rear. There are outbuildings and other structures located to the rear of the appeal site. The submitted plans show an existing extension to the rear of the host building, but this had been demolished at the time of my visit.
5. An objection to the proposal has been received from a resident of the adjoining dwelling of 67 Feenan Highway, and the Council's decision refers to an overbearing effect and loss of light. It is therefore necessary to consider the amenity of adjoining premises in accordance with the provisions of the GPDO.
6. The proposed extension would be located in close proximity to the boundary with No 67. Due to the projection to the rear and the height of the proposal,

the extension would be apparent as an overdominant and oppressive feature in views from the rear windows and amenity area of No 67.

7. There are also a number of ground floor windows to the rear of No 67 which the evidence suggests serve habitable rooms. Due to the relative arrangement of the properties as well as the scale and proximity of the appeal proposal, this would lead to a significant loss of light to these windows to the detriment of the living conditions of neighbouring residents. This would also lead to excessive overshadowing of the area of the garden closest to the rear elevation of No 67, which adds to my concerns about the overbearing effect of the proposal.
8. The appellant refers to a previous approval for an extension projecting 4.5m to the rear, and I give this appropriate weight as a fallback position. However, the circumstances leading to that decision have not been set out to me. In any event, the harmful effects arising from the 6m extension as proposed would be proportionately greater than those of the extant approval. Consideration of this matter does not therefore lead me to a different conclusion in respect of the harm arising from the appeal proposal.
9. The appellant also refers to overgrown vegetation at No 67 which they contend was higher than the appeal proposal and restricted access for the neighbouring residents. I have had regard to the photographic evidence provided in relation to this. However, much of this vegetation appeared to have been removed at the time of my visit, and I am also mindful that the form of occupation and maintenance of No 67 could change over time. In any event, even overgrown vegetation would provide a softer outlook and a greater degree of light penetration in respect of No 67 compared to the scale and massing of the proposed extension.
10. I conclude that, due to its effect on residents of No 67 in respect of outlook and light, the proposal would lead to significant harm to the amenity of an adjoining premises.

Other Matters

11. I am mindful of the appellant's intention to provide improved living accommodation for members of their family. However, this does not outweigh the significant harm I have identified to residents of the neighbouring property.
12. Reference has also been made to the commencement of development, although the appellant has indicated that this related to works to locate pipes within the property.

Conclusion

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

David Cross

INSPECTOR