



Appeal Decision

Site visit made on 21 May 2024

By Terrence Kemmann-Lane JP DipTP FRTPI MCMI

an Inspector appointed by the Secretary of State

Decision date: 07.06.2024

Appeal Ref: APP/D1590/D/24/3336287

20 North Avenue, Southend-on-Sea, SS2 5HU

- 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 Ms Sarah McMahon against the decision of Southend-on-Sea City Council.
 - The application Ref 23/01356/FULH, dated 11 August 2023, was refused by notice dated 12 October 2023.
 - The development proposed is for a single story rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single story rear extension at 20 North Avenue, Southend-on-Sea, SS2 5HU in accordance with the terms of the application, Ref 23/01356/FULH, dated 11 August 2023, 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 approved plans, drawing reference 23/807-1700.
 - 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.

Main Issue

2. The main issue in this case is the effect of the proposed extension of the living conditions of the neighbours at Nos.18 and 22.

Reasons

3. The appeal site is an end terraced dwelling on the south side of North Avenue, within a residential area. Number 22 North Avenue, the adjoining mid-terraced dwelling is to its east. No 18 is an end of terrace house, separated by a narrow gap of 0.8m which is within the appeal property curtilage. The appeal dwelling and its attached neighbour, No.22, each have a single storey 'store' extension that extends about 1.8m from their rear elevations, each about 1.5m wide. The main part of the house at No.18 is built on the boundary with No.20. It has a 2-storey outrigger some 4m deep that is set in about 2m from the shared boundary, attached to which is a single storey extension with a mono-pitched roof, perhaps 1.5m deep.

4. The proposed extension would have a shallow pitched roof with a parapet to the gable. Its ridge would be 3.63m high, whilst the eaves would be some 3m high. Although The proposal would extend 5m from the main rear façade of No.22, because of the small projection at the rear of that property, the effective depth that could affect the amenity of this neighbour would be some 3.2m along the boundary. Whilst the proposed extension would be apparent above the 2m high fence on the boundary, since these houses are south facing, I do not consider that there would be any material loss of light, nor would the height and length dominate the outlook or cause a sense of enclosure to an extent that would justify the refusal of permission.
5. Turning to the other neighbour at No.18, the proposal would project some 5m beyond its closest rear elevation. No. 18 has a clear glazed window in its rear elevation within the partial well formation, which probably serves a habitable room and a window and a door on the flank of the outrigger facing the appeal site. In this case, the fact that the rear of these houses face south effects the extent to which there would be any significant loss of light, No.18's outrigger having the greatest effect in this respect. Further, at 0.8m distance from the 2m high fence on the property boundary, and the 3m height of the eaves would not produce an unacceptable dominance, sense of enclosure, loss of outlook or loss of light for the occupiers of this dwelling.

Conclusions

6. For the reasons that I have set out above, I conclude that there would not be a deleterious effect on either neighbour from the proposed extension. In coming to these conclusions I have taken account of all matters raised, including the point made on behalf of the appellant that permitted development rights for larger home extensions allow for a rear extension of up to 6m on a prior approval application subject to the neighbour consultation scheme. It would appear that the appeal proposal meets the dimensional requirements under this class, and that the neighbour consultation carried out by the council exceeded the consultation required. I will allow the appeal

Conditions

7. The statutory condition that provides a time limit on the start of development must be imposed. In addition, the council has suggested 2 conditions in the event that the appeal is upheld. I consider that the conditions should be imposed for the following reasons: condition 2 is required for certainty and avoidance of doubt as to the development permitted, and condition 3 is to ensure that the appearance of the development permitted integrates with the existing in a visually satisfactory manner.

Terrence Kemmann-Lane

INSPECTOR