
Appeal Decision

Site visit made on 4 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/M1595/D/24/3347795

10 Marshfoot Close, Aveley, Thurrock RM15 4DW

- 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. Md Rubel Mia against the decision of Thurrock Council.
 - The application reference is 24/00419/HHA.
 - The proposed development is for conversion of garage into a habitable room and construction of single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the development on the living conditions of the occupiers of neighbouring properties in respect of loss of light, outlook and overbearing impact.

Reasons

3. The appeal site relates to a three-storey, end-terrace dwelling on Marshfoot Close, in a street scene of other domestic properties of varying appearance fronting a communal amenity and parking area. At my visit I observed the tight-knit relationships between houses in the terrace; the plots are narrow, and the rear gardens are relatively modest in extent.
4. The development would be substantially higher than the existing boundary fence. Taken together with the rearward projection and close proximity relative to the adjoining property, I consider that it would result in harm to the living conditions of the occupants of 8 Marshfoot Close. It would appear oppressive and overbearing when viewed from the neighbour's facing windows and doors in the rear wall of the main house, and the patio area immediately outside. Moreover, in the absence of any sunlight calculations, I cannot be certain that there would be no adverse loss of light to the internal accommodation and patio area.
5. I appreciate that the depth is 500mm further than the 3 metres allowed to rear extensions for terraced/semi-detached dwellings under permitted development. However, the scope of the PD regime does not justify this larger proposal. Furthermore, whilst a Prior Approval Larger Home Extension might allow rear extensions for terraced/semi-detached dwellings to extend up to 6 metres, I note that a submission for such an addition was refused by the Council under reference 24/00234/PHA.

6. 12 Marshfoot Close is situated on a larger corner plot and is separated from the appeal site by an intervening alleyway. Given this detachment and the broader views afforded from the rear amenity space of no.12, I am satisfied that there would be no undue harm with regard to outlook and overbearing impacts. Moreover, being to the south of the appeal site, there would be no reduction in light levels to this property.
7. I note that the Council does not object to the conversion of the garage into a habitable room, and have no reason to disagree.
8. I therefore conclude that the proposal would have an unacceptable effect on the living conditions of the occupiers of 8 Marshfoot Close in respect of loss of light, outlook and overbearing impact. It would conflict with Policy PMD1 of the Thurrock Core Strategy 2015 and the Thurrock Design Guide, Residential Alterations & Extensions Supplementary Planning Document 2017 in relation to the protection of amenity. It would also be consistent with the National Planning Policy Framework, which advocates safe and healthy living conditions.

Conclusion

9. Having regard to the above and all other issues presented, the appeal fails.

C Hall

INSPECTOR