



Appeal Decision

Site visit made on 6 January 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 January 2025

Appeal Ref: APP/D1590/D/24/3350728

6 The Gables, Leigh-on-Sea, Essex SS9 4DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Ryan Hamilton against the decision of Southend on Sea Borough Council.
 - The application Ref is 24/00629/FULH.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 6 The Gables, Leigh-on-Sea, Essex SS9 4DU in accordance with the terms of the application, Ref 24/00629/FULH, subject to the following conditions: -
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4065-12-1 Rev B, 4064-12-2 Revision B and 4065-12-3 Revision C.
 - 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.
 - 4) The roof of the development hereby approved shall not be used as a balcony, roof garden or terrace or for any other purpose at any time.

Application for costs

2. An application for costs was made by Mr Ryan Hamilton against Southend on Sea Borough Council and that will be the subject of a separate decision.

Preliminary Matters

3. The planning application form indicates that the development has been started but has not yet been completed. The officer's report indicates that the proposal has been sought retrospectively. The Council officer's report also advises the height of the extension to be 3.5m. This has been informed by the annotation on the plans that support the planning application. Indeed, the annotations of the proposals plan shows the height of the parapet side walls to be 3.56m.
4. Subsequent to this the height of the rear extension has been re-measured and advised to be 3.16m in height. A supplementary report circulated ahead of the

Planning Committee meeting advised members of this amended measurement. Notwithstanding this, the application details have not been revised. The plans as submitted are what was before members of the planning committee for consideration, and which are now the subject of this appeal.

5. In the interests of clarity, I have considered the proposal as a stand-alone development, on the basis of the information illustrated on the planning application plans as submitted to and determined by the Council and not what I saw on site.
6. A revised version of the National Planning Policy Framework (the Framework) has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

7. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the occupiers of the adjoining property, 5 The Gables, in respect of daylight and sunlight.

Reasons

8. The rear extension would run along the common boundary with No.5 with the extension sited in close proximity to the side wall of that property. At ground level No.5 hosts a partly obscure glazed door in the flank elevation that is understood to serve a kitchen. This is not the sole source of light for this room as there is a window in the rear elevation of the property that provides light and outlook for the kitchen. Taking into account the orientation of the sun, the proposal would not cast substantial overshadowing of the flank elevation for a significant portion of the day. Whilst the extension would be sited close to the kitchen door, I do not find that the occupiers of No.5 would experience harmful loss of daylight and/or sunlight as a result of the rear extension.
9. For these reasons, I conclude that the proposed development would not harm the living conditions of the occupiers of the adjoining property, 5 The Gables, in respect of daylight and sunlight. As such, the proposed development would not conflict with Policies KP2 and CP4 of the Southend-on-Sea Core Strategy 2007, Policies DM1 and DM3 of the Southend-on-Sea Development Management Document 2015, the Southend-on-Sea Design and Townscape Guide 2009, the National Design Guide 2021 and the provisions of the Framework. These policies and the Framework seek, amongst other matters, to ensure that development protects the amenities of immediate neighbours.

Conditions

10. I have considered the planning conditions put forward by the Council in light of paragraph 56 of the Framework and the Planning Practice Guidance. In addition to the standard time limit condition and in the interests of certainty it is appropriate that there is a condition requiring the development be carried out in accordance with the approved plans. In the visual interests of the locality matching materials of the extension is necessary. In the interests of neighbouring living conditions, a condition is necessary to prevent the roof of the extension being used as a balcony, roof garden or terrace.

Conclusion

11. For the reasons set out above, and subject to the conditions listed, this appeal should be allowed.

Nicola Davies

INSPECTOR