
Appeal Decision

Site visit made on 8 April 2025

by Jane Smith MA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th April 2025

Appeal Ref: APP/D1590/D/24/3354082

6 Greenways, Southend-on-Sea, Thorpe Bay SS1 3BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) 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).
 - The appeal is made by Mr Imran Shafi against the decision of Southend-on-Sea City Council.
 - The application Ref is 24/01332/GPDE.
 - The development proposed is erection of single storey rear extension.
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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 subject to limitations and conditions.
3. As set out in paragraph A.4 of the above Class, 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), the local planning authority must notify each adjoining owner or occupier about the proposed development. Where any objection is received, the prior approval of the local planning authority is required as to the impact of the proposed development on the amenity of any adjoining premises, taking into account any representations received.
4. Having received an objection and considered the effect on all adjoining premises, the Council refused to grant prior approval for reasons relating specifically to the effect on the residential amenity of occupiers of No. 8 Greenways. Schedule 2, Part 1, Class A of the GPDO does not require consideration of the development plan. I have therefore had regard to the policies identified in the reason for refusal only to the extent that they are relevant to the prior approval matter.

Main Issue

5. The main issue is the effect of the proposed development on the amenity of adjoining premises, with particular regard to its effect on living conditions for occupiers of No. 8 Greenways.

Reasons

6. While paragraph A.1(g) of the above Class allows in principle for extensions of up to 6m depth, that is subject to consideration of the impact on the amenity of any adjoining premises. As is articulated in Policy DM1 of the Southend-on-Sea Development Management Document 2015, that can encompass matters such as privacy, overlooking, outlook, noise and disturbance, visual enclosure, pollution and daylight and sunlight. Circumstances will vary according to the layout of any particular site and its neighbours, and the provisions of the GPDO do not imply that all extensions of that scale will be acceptable.
7. The appeal site contains a semi-detached dwelling and No. 8 is its attached neighbour. The rear gardens are separated by a close boarded fence, around two metres in height. At the rear of No. 8 there is a single large, glazed ground floor opening, occupying much of the rear elevation and facing south. A sun umbrella was visible when I visited the site, suggesting that the part of the garden closest to the house is used for sitting outdoors.
8. The proposed extension would be constructed right on the boundary and so would be highly conspicuous from the adjacent property. In proportion to the scale of the plot, it would be a substantial and conspicuous addition. Despite being on a single storey, it would be significantly higher than the existing fence and it would have a visually dominant and oppressive enclosing effect on the outlook from No. 8.
9. Since the rear elevations face south, the extension would not obstruct direct sunlight in the morning or early afternoon. Its single storey form would limit its effect on sunlight and daylight, as would the generous scale of the rear window opening at No. 8, which is likely to provide generally bright internal conditions. However, the extension would somewhat overshadow the adjacent part of No. 8 in the late afternoon and evening. That would particularly compromise enjoyment of the part of the garden just behind the house at those times.
10. There would be no directly overlooking windows, so although the extension would feel intrusive, the adjacent house and garden would be no less private. Any disruption during construction would be temporary and measures to safeguard the structure of the adjacent dwelling would be subject to other regulatory regimes. The Council did not identify any harm to the amenity of any other adjoining premises and based on the evidence before me I have no reason to disagree.
11. Nevertheless, for the above reasons I conclude that the proposed development would be unacceptably harmful to the amenity of adjoining premises, with particular regard to its effect on living conditions for occupiers of No. 8 Greenways. Therefore, having considered the impact of the proposed development on the amenity of any adjoining premises, prior approval should not be granted.

Conclusion

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

Jane Smith

INSPECTOR