



Appeal Decision

Site visit made on 16 April 2025

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 April 2025

Appeal Ref: APP/B1550/D/24/3356898

5 Helena Road, Rayleigh, ESSEX SS6 8LN

- 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 Mrs Cahil against the decision of Rochford District Council.
 - The application Ref is 24/00639/FUL.
 - The development proposed is a single storey rear extension with roof light, dormers to front and rear and new entrance door to front elevation.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. 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

3. The main issue raised by this appeal is the effect of the proposed development on the living conditions of the adjoining occupiers of No.3 Helena Road, particularly with regard to outlook and light.

Reasons

4. The occupiers of neighbouring properties should reasonably expect to enjoy an acceptable outlook as part of their residential lives.
5. The rear extension, whilst not being higher than the existing eaves of the host property, would nonetheless be of a considerable height and depth running along the shared boundary with the adjoining property, No.3. The extension would be extremely dominant in the outlook from the habitable living space within this neighbouring property. It would also create overshadowing of No.3 reducing light to both habitable rooms and outdoor living space relating to this property.
6. An extension of the size proposed and in such close proximity to the adjoining property would diminish the enjoyment of the residential living environment for the neighbouring occupiers that these existing occupiers should reasonably expect to enjoy. This harm is not obviated by the land dropping away from the house at the rear of the property and/or the extension being sited at a slightly lower level to that of the host dwelling.

7. There may be examples of other rear extensions to other properties within the locality. However, I am unaware of the full details of the circumstances relating to those cases such as would enable me to determine whether they are directly comparable to this case. Notwithstanding this, even if similarity could be drawn, this does not justify other development where harm would result.
8. It is contended that the extension would be consistent in depth to that of a prior approval extension potentially allowable under Permitted Development for householders. On the evidence before me there is no clear indication that such an extension would be granted by the Council. Therefore, this offers little weight in favour of the proposal. Furthermore, this possible fallback does not outweigh the harm that I have identified or justify the proposed development.
9. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers of No.3 Helena Road, particularly with regard to outlook and light. The proposal would, therefore conflict with Policy DM1 of the Rochford District Council Development Management Plan 2014. That policy seeks, amongst other matters, development to positively contribute to residential amenity.

Other Matter

10. It has been suggested that the Council's Planning Officer has not undertaken a site visit, therefore, a full assessment of the proposal has not been made by the Council. However, the Council's Officer Delegated Report refers to a site visit having been undertaken. As such, I am not led to any clear indication that the appellant is correct on this point or that the Council may have failed to consider the proposal appropriately.

Conclusion

11. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies

INSPECTOR