



Appeal Decision

Site visit made on 10 April 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 May 2025

Appeal Ref: APP/B1550/D/24/3355699

106 New Road, Great Wakering, Essex SS3 0AS

- 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 Miss Jess Clarke against the decision of Rochford District Council.
 - The application Ref is 24/00553/FUL.
 - The development proposed is described as 'demolish existing outbuilding and construct replacement outbuilding with timber framed extension to the side.'
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. I have determined the appeal on the basis of the Council's description of the development proposed, which I have used in the bullet header above, as it more accurately describes the development.
3. Alterations to the outbuilding have already taken place. However, for the avoidance of doubt I have based my decision on the submitted plans.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 108 New Road, with particular regard to outlook, overshadowing and daylight.

Reasons

5. The appeal relates to a two-storey, mid terrace dwelling. Typically, dwellings in the surrounding area are relatively narrow in width, with evenly spaced pairs of half-width rear outriggers that are set away from the shared boundaries.
6. 108 New Road (No.108) has a ground floor window within its original rear elevation and a door with window and double pane window serving a kitchen within the flank wall of its outrigger. There is a single storey projection to the outrigger.
7. The proposed extension to the rear elevation of the main dwelling would project outwardly by approximately 3m, in filling the gap between the outrigger and the shared boundary with No.108. It would not wrap around to meet the rear elevation of the existing outrigger. It would have a height of approximately 2.7m to the top of flat roof.

8. The proposed development would not project across the window within the original rear elevation of No.108. This, when taken with its relatively limited depth and as a result of not wrapping around to meet the rear elevation of the outrigger, ensures that no tunnelling effect resulting in an unacceptable loss of outlook would result.
9. However, as a result of its proximity to the boundary, when taken with its height to the top of a flat roof, the proposed development would extend well above the window. Subsequently, the proposed development would likely result in a loss of daylight to the room it serves. Whilst the impact would be reduced when noting the room is served by an alternative source of light, it is still likely to be discernible.
10. Given its scale and proximity to the flank windows within the outrigger at No.108, the proposed development would significantly dominate the outlook from these windows, thereby having an oppressive and overbearing effect. The level of change from the existing condition is, to some extent, limited when noting the presence of the existing outrigger at the appeal property. However, it is considered that as a result of its proximity and height to the top of a flat roof it would lead to an unacceptable sense of enclosure and a loss of daylight.
11. When noting the presence of the existing outrigger at the appeal property, and taking account of the position of the proposed development relative to the trajectory of the sun, it is not considered that the proposed development would result in any unacceptable increase in overshadowing to neighbouring windows.
12. The rear extension to the outrigger matches the projection at the adjacent 104 New Road. I agree with the Council that, as a result of its limited scale, this part of the development has no harmful impact upon the living conditions of adjacent occupiers.
13. That said, for the reasons set out above, I find the development would unacceptably harm the living conditions of the neighbouring occupiers at 108 New Road, with particular regard to loss of outlook and daylight. As such, I find conflict with Policy DM1 of the Rochford District Council Local Development Framework Development Management Plan adopted 16 December 2014. This requires, amongst other matters, that developments have a positive relationship with existing and nearby properties. The proposal would also conflict with the Framework, which seeks to ensure that development results in a high standard of amenity for existing and future users.

Other Matters

14. The Council concluded the proposal would not result in harm to the character and appearance of the host property or area, and based upon the evidence before me, I see no reason to disagree. However, compliance with such policies would be a neutral matter in the balance and does not weigh in favour of the appeal scheme
15. I acknowledge that other examples of rear extensions are present within the wider terrace. Two of the examples have roofs that pitch away from their neighbours and are positioned adjacent to the gap in built form that provides the communal rear access, a markedly different context, and therefore these other extensions do not justify harmful development at the appeal site. I do not have the full details of the circumstances that led to all of the examples of similar extensions put to me being accepted. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the proposed development before me. I have, in any

event, determined the appeal based on its own planning merits and again the existence of these other extensions does not justify harmful development at the appeal site.

16. Whilst there were no objections from neighbouring occupiers to the proposal, this is not a reason in itself to allow development which would result in harm to the living conditions of current, or future, neighbouring occupiers. Moreover, I note that the appellant has expressed concern about how long the Council took to consider the application. However, the timeliness of the Council does not alter my view on the harm the proposal would have on the living conditions of the occupants of No 108.
17. Although the appellant highlights a willingness to make amendments to the proposal, the appeal process should not be used to evolve a scheme and it is important that what is considered by me at appeal is essentially the same scheme considered by the Council at the application stage. It follows that I have determined the appeal based on the plans before me and upon which the Council determined the application.

Conclusion

18. For the reasons given above, the development conflicts with the development plan and there are no material considerations of sufficient weight to indicate that the development should be determined otherwise than in accordance with it. The appeal should therefore be dismissed.

SJ DESAI

INSPECTOR