



Appeal Decision

Site visit made on 1 July 2025

by Thomas Courtney BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 July 2025

Appeal Ref: APP/D1590/W/24/3342252

11A Beach Avenue, Leigh-on-Sea, Southend-on-Sea SS9 1HP

- 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 Rebecca Cole against the decision of Southend-on-Sea Borough Council.
 - The application Ref is 24/00020/FUL.
 - The development proposed is the replacement of existing garden access stairs and enlargement of terrace area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to privacy, outlook and sense of enclosure.

Reasons

3. The appeal site comprises a first-floor flat within a two-storey semi-detached property on the western side of Beach Avenue. The flat benefits from a private rear garden, which is accessed via an external staircase and a side alley. The surrounding area is residential in character, made up predominantly of two-storey terraced and semi-detached dwellings with relatively modest rear gardens. There are some examples of balconies and dormers in the wider area, but external staircases and first-floor terraces are not common features within the immediate context.
4. The appellant states that the platform would only project some 85cm further than the existing landing and that privacy would be improved through the use of screens. However, unlike the current staircase, which is linear and functional in form, the proposal introduces a substantial first-floor platform designed for usable outdoor activity. The widened terrace and L-shaped staircase would bring a more permanent and prolonged presence of users at elevated level, introducing sustained opportunities for overlooking into adjacent gardens and rear windows. This would be materially different from the fleeting views associated with movement on a narrow staircase.
5. The proposed extension of the raised terrace would reduce the separation to neighbouring gardens to the west and would create increased opportunities for direct views. Due to its elevated position, it would allow harmful overlooking of the rear gardens of Nos 10 and 12 Woodfield Road which would result in a loss of privacy for the neighbouring occupants.

6. While the appellant states that the 1.8m high privacy screens would reduce overlooking, these would not extend to the full depth of the projection, as they would not cover the extent of the staircase. As such, the screens would not fully mitigate views or the perception of overlooking. They would in turn increase the visual bulk and physical presence of the structure, particularly when viewed from the garden and rear-facing windows of No.13 Beach Avenue. From this position, the structure would appear close to the shared boundary and visually intrusive, intensifying the sense of enclosure and loss of openness already experienced due to the depth of the existing rear outrigger.
7. Given the staircase is already a visible and elevated feature, the introduction of a larger, more enclosed structure would exacerbate the impact by increasing both the scale and the use of the space at height. I saw that views from No.13's garden are somewhat limited by boundary treatment and planting, but the proposed screens and platform would extend above this and would intrude into the outlook, particularly from seated positions. Taken together, the proposed development would result in a material loss of privacy and a harmful sense of enclosure to the neighbouring occupiers.
8. The proposed structure would also harm the living conditions of the occupiers of the ground floor flat at No. 11. Positioned directly adjacent and above the garden and small rear patio, the increased rearward projection of the staircase and terrace would appear overbearing and visually intrusive. It would significantly reduce the sense of openness and negatively affect the outlook of the occupiers from the rear windows and garden, exacerbating a sense of enclosure.
9. The appellant refers to a first-floor balcony on a neighbouring dwelling on Woodfield Road, as well as to other balconies in the wider area. However, the balcony on the Woodfield Road property is not directly comparable. It does not incorporate an external staircase, nor is it attached to an outrigger as is proposed in this case. Its scale, positioning, and relationship with neighbouring gardens differ significantly. The other cited examples appear to mostly form part of first floor extensions or dormers, and as such, differ in form and integration from the appeal proposal, which introduces a freestanding terrace platform and staircase. These differences in design and arrangement limit their relevance. In any case, each proposal must be considered on its individual merits.
10. For these reasons, the proposal would harm the living conditions of neighbouring occupiers, resulting in a loss of privacy, outlook and an adverse sense of enclosure. It would therefore conflict with Policies DM1 and DM3 of the Development Management Document (2015), Policies KP2 and CP4 of the Core Strategy (2007) and the advice contained within the Southend-on-Sea Design and Townscape Guide (2009) insofar as they seek to ensure proposals are well-designed and protect the amenity of immediate neighbours having regard to privacy, overlooking, outlook and visual enclosure.

Other Matters

11. The appellant states that the existing staircase is steep, lacks a landing, and poses safety risks to young children. They also argue that the final steps narrow the side access to the rear garden, making it impractical for use with buggies or wheelchairs. They argue the new design would allow full-width access via the side alley and improve access to the garden.

12. The desire to improve safety and accessibility is understandable. However, it has not been demonstrated that the existing access arrangement renders the garden inaccessible. There is no firm evidence that access is unachievable or that the harm identified could only be overcome by the proposed scheme. The appellant also refers to damp issues arising from the concrete plinth below the staircase, but again, no details have been provided to explain why these could not be addressed through alternative, less intrusive means.

Conclusion

13. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
14. For the reasons given above the appeal should be dismissed.

Thomas Courtney

INSPECTOR