



Appeal Decision

Site visit made on 9 February 2016

by George Arrowsmith BA, MCD, MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16 February 2016

Appeal Ref: APP/D1590/D/15/3137604

20 Chadwick Road, Westcliff-on-Sea, Essex, SS0 8LS

- 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 Mr Darren Cachia against the decision of the Southend-on-Sea Borough Council.
 - The application Ref 15/01156/FULH, dated 14 July 2015, was refused by notice dated 9 September 2015.
 - The development proposed is part two storey pitch roof rear extension, part single storey rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposal on the amenity of the adjoining residential property at 18 Chadwick Road.

Reasons

3. The appeal proposal includes a single storey element which would be 3m high and would extend 3m beyond the existing 2-storey part of the parent house approximately 1m from the site boundary with the detached house at 18 Chadwick Road. No 18 has a rear conservatory at this side of the house.
 4. The existing 2-storey part of the appeal property already extends some distance beyond No 18's main rear elevation and, as measured from the appellant's revised site plan, extends about 3m to the rear of that property's conservatory. It appears dominant and somewhat overbearing when seen from No 18 especially since it is immediately to the south. The proposed extension would, again on the basis of the appellant's revised site plan, take the total degree of extension to about 10m beyond No 18's main rear elevation and about 6m beyond the rear of the conservatory. The officer's report on the application says that the extension would project approximately 5m to the rear of the conservatory so there is a degree of uncertainty about the exact distances. I am nevertheless satisfied that, when considered as a whole, the appeal property's existing and proposed side walls would cause an unacceptable sense of enclosure and loss of natural light at the rear of No 18.
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5. I am aware that here is already a 1.8m high trellis fence and some shrubs on the boundary between the two properties and that there is a small outbuilding which would be demolished to accommodate the extension. This outbuilding is just over 2m high on the side facing No 18. I am also aware that, with a height of 3m, the extension would be only 1m higher than the solid fence or wall that could be erected under the provisions of the General Permitted Development Order. All these factors mitigate the effect of the extension on No 18 but I am nevertheless satisfied that, in a situation where No 20's existing side wall already has a dominating impact, even a small increase in the sense of enclosure and loss of light would be unacceptable and would conflict with the aims of policy CP4 in the Council's Core Strategy and policy DM1 in their Development Management Document.
6. The appellant draws my attention to the depth of ground floor extensions at other properties but I must determine this appeal on the merits of the proposal before me.

Impact on 22 Chadwick Road

7. The occupants of No 22 Chadwick Road, which is at a lower level than the appeal site, object to the 2-storey part of the extension. The essence of their objection is that their main ground floor living areas are on the north side of their property and that, as a consequence, they have a number of windows facing the appeal property. They also say that the 2-storey element would overshadow their only patio area which is located on the north side of their house, and they are concerned about overlooking from additional first floor windows in No 20's side elevation and a proposed Juliette balcony in its rear elevation.
8. I am satisfied that overlooking from the upper floor windows in the side elevation facing No 22 could be avoided through obscure glazing and that the position of the Juliette balcony at the rear of No 20 would avoid any serious loss of privacy for No 22. The officer's report on the application says that neither element of the proposed extension would infringe on a 45 degree angle from No 22's nearest habitable room window. It then concludes that, despite the difference in levels between the two properties, the extensions would not be overbearing or cause an undue sense of enclosure. The report considers that the extensions would not cause an undue loss of light to No 22 given their position to the north and their distance from No 22's windows.
9. Whilst I understand the concerns expressed by No 22's occupants I agree with the Council's assessment to the extent that I do not find the concerns a sufficient reason to dismiss the appeal. This does not change my finding that the proposal is unacceptable because of its impact on No 18.

George Arrowsmith

INSPECTOR