



Appeal Decision

Site Visit made on 6 January 2021

by R Morgan BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th January 2021

Appeal Ref: APP/G4240/D/20/3261633

15 Beechwood Drive, Mossley, ASHTON-UNDER-LYNE OL5 0QJ

- 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 Graham Hutchinson against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 20/00278/FUL, dated 28 March 2020, was refused by notice dated 4 September 2020.
 - The development proposed is the refurbishment of existing decking and construction of new decking to the side and rear of the property with balustrade and external steps.
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Decision

1. The appeal is allowed and planning permission is granted for the refurbishment of existing decking and construction of new decking to the side and rear of the property with balustrade and external steps, at 15 Beechwood Drive, Mossley, ASHTON-UNDER-LYNE, OL5 0QJ, in accordance with the terms of the application, Ref 20/00278/FUL, dated 28 March 2020 and the plans submitted with it, and subject to the following condition:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of 11 and 17 Beechwood Drive, with particular regard to privacy.

Reasons

3. The appeal property is a detached house which, like its immediate neighbours 11 and 17 Beechwood Drive (Nos. 11 and 17), have steeply sloping rear gardens. All three houses have rear decking which provides level outdoor amenity space. The houses take up the majority of their plot widths, with narrow gaps between them.
4. Due to the relative siting of the two properties, it is possible to see into the rear habitable windows and balcony of No. 11 from the existing area of decking at the appeal property. The proposed extension of the decking by around 0.5 metres in depth would extend this line of sight to some extent. However, given the existing situation, the impact of any additional overlooking to the rear windows of No. 11 would be limited, and would not result in unacceptable harm.

5. At the side of the appeal property, immediately adjacent to the boundary with No. 11, is a pathway which leads down from the driveway to the garden. Two flights of steep steps are separated by a level flagged section, which is slightly below the level of the decking. The submitted drawings show that the proposed decking boards along the side pathway would be positioned at the same height as the existing paving flags, and the fence would remain as existing. There would therefore be no loss of privacy arising from this aspect of the proposal.
6. The rotten condition of the existing decking meant that I was not able to walk across the whole of the structure when I visited. However, from the areas I could access, I could see that the existing fence along the shared boundary with No. 11 is of a sufficient height to provide an effective screen. I was not able to see into the rear garden at No. 11 from the decked area, despite the fence line dropping relative to the height of the decking part way along the boundary.
7. I acknowledge that it may be possible to see into the neighbour's garden from the part of the existing decking that I could not walk on, and that the proposed extension in the depth of the decking could increase the potential for such overlooking. However, the extended decking would not be any closer to the shared boundary with No. 11 than the existing situation, as the existing side pathway and steps would be retained.
8. Furthermore, the fairly short length of the gardens, and the angle of the rear boundaries, means that the extended area of decking would be alongside the bottom part of the garden belonging to No. 11. Although the side boundary fence would be at its lower height relative to the decking, the direct view from the extended section would be towards woodland beyond the two properties, rather than into the garden of No. 11. The presence of the existing fencing would provide a significant level of screening, which would make it difficult for users of the extended area of decking to clearly see into the neighbouring garden. Taking these considerations into account, I am satisfied that any additional overlooking into the garden area at No. 11 which might result from the proposal would not be excessive, and would not cause any unacceptable loss of privacy.
9. A new, lower section of decking would be added as part of the proposals, which would be adjacent to the shared boundary with No. 17. This would be accessed via new steps from the main area of decking. The submitted plans show that the fence along the shared boundary with No. 17 would be increased in height slightly, and altered to give additional privacy from the new steps.
10. Despite this, the height of the fence in relation to the new area of lower decking would not be sufficient to act as a complete screen, and it would be possible to look over the fence into the neighbouring garden. Some overlooking is already possible, but this would be increased by the proposed development. However, such additional overlooking would affect the lower section of the garden of No. 17, which is likely to be used less intensively than those parts of the outdoor space which are closest to the house. Whilst there would be an additional impact, it would be limited in extent, and would not cause an unacceptable loss of privacy to the users of the outdoor space at No. 17.

11. I conclude that the proposal would not cause undue harm to the living conditions of the neighbouring occupiers of 11 and 17 Beechwood Drive with respect to privacy. I find no conflict with Policy H10d) of the Tameside Unitary Development Plan 2004 (UDP), which seeks to ensure that proposed housing developments avoid unacceptable impact on the amenity of neighbouring occupiers through loss of privacy. In addition, there would be no conflict with the requirements for outdoor space contained in Policy RD12 of the Residential Design SPD, although I note that this guidance is primarily concerned with developments of flats.
12. UDP Policy 1.3 is concerned with enhancing the appearance of the Borough and is not directly applicable to this proposal.

Conclusion

13. For the reasons given, the appeal is allowed in accordance with the terms set out.

R Morgan

INSPECTOR