

Appeal Decision

Site visit made on 25 October 2016

by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC

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

Decision date: 2nd November 2016

Appeal Ref: APP/X4725/D/16/3154962

9 Villa Close, Ackworth, Pontefract, WF7 7NR

- 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 Andrew Coope against the decision of Wakefield Metropolitan District Council.
 - The application Ref 16/00584/FUL, dated 7 March 2016, was refused by notice dated 9 May 2016.
 - The development proposed is described as "*Wooden decking on platform over lower garden at rear of house. Decking to be level with existing filled patio behind existing retaining wall and approximately 1.5m above lower ground level. Plan area of new decking starting 2.0m from adjacent neighbour's fence (7 Villa Close) and approximately 9.5m along existing retaining wall, extending 3.7m towards the rear neighbour's (10 Beechwood Dale) existing fence and leylandii boundary giving 2.0m clearance all round to boundaries.*"
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Decision

1. The appeal is dismissed.

Procedural Matter

2. For clarity, I have used the appellant's corrected description, as confirmed in their email to the Council, dated 7 March 2016.

Main Issues

3. The main issues are the effect of the proposed development upon (a) the living conditions of neighbouring occupants at No 7 Villa Close and No 10 Beechwood Dale in respect of privacy, and (b) the character and appearance of the area.

Reasons

Living Conditions

4. No 9 Villa Close is a detached 2-storey dwelling set within a corner plot. The dwelling, like its neighbouring property at No 7, is located on sloping ground. To the rear of No 9 is a built up patio area, with a retaining wall located above a small rear lawned garden area. The proposed decking would be set on a platform and would form a continuation of the patio area, with timber balustrading of around 1 metre in height. There would be a separation distance of around 2 metres between the platform and the shared side and rear boundaries.
 5. The side boundary with No 7 currently consists of a post and wire fence and some planting. Given the height and proximity of the proposed decking to the
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rear amenity area at No 7, clear high level views into the rear sloped garden area of No 7 would be gauged from the proposed development. The existing vegetation is sparse and low in height and would provide only limited screening which would be restricted to the summer months when in leaf. I therefore find that the proposed decking would give rise to a serious adverse effect on privacy to the occupants at No 7.

6. The rear boundary with No 10 Beechwood Dale is demarked by a leylandii hedge which is around 4 metres in height. This provides a dense and evergreen screen between the two dwellings and, given its height, I do not consider that the raised decking area would give rise to a significant adverse impact upon the privacy of occupants at No 10.
7. Nonetheless, the impact upon occupants at No 7 would be significant and would be contrary to Policies D9 and D10 of the Wakefield Local Development Framework Development Policies Document 2009 (LP) which seek, among other things, that development is designed as to have no significant detrimental impact on the amenity of neighbours and ensuring that there would be no significant reduction in the privacy of occupants.

Character and Appearance

8. The raised deck area would be located to the rear of No 9 and while views of the development would be gauged from Villa Drive down the side of the dwelling, these would be limited and the development would be seen in the context of a continuation of the existing rear patio area.
9. However, clear views into the site are gauged from Lee Lane, a public highway which runs along the western boundary of No 9. From here, the sloping nature of the appeal site is apparent and by virtue of its height, platform design and projection, the proposed decking would be a particularly prominent and incongruous feature when viewed from this highway.
10. I saw that the decking would not be screened by the protected trees within the site to any great degree. Furthermore, this effect would not be minimised by the use of natural materials or due to the relatively small scale of the proposed deck area. Overall I find that the visual impact and incongruous nature of the development would be harmful to the street scene.
11. While I note the submitted photographs of elevated wooden decking, these are general illustrations and there are no specific examples of such an arrangement in the local area. These photographs also serve to confirm the prominence of such structures.
12. Overall on the basis of the proposals before me, I find harm in respect of character and appearance of the area. The proposals would therefore conflict with Policies D9 and D10 of the LP which seek to support proposals where it would respect local character in terms of design, scale, height, and layout and restrict development which would result in harm to the character of the area.

Other Matters

13. It has been put to me that, by way of a fallback position, other structures such as a shed could be erected without the need for planning permission. Be that as it may, I do not consider that such structures would be an incongruous as

the proposals before me. Furthermore, it is the use of the decking which would give rise to harm to living conditions.

Conclusion

14. For the reasons above, taking into account all other matters raised, I dismiss the appeal.

C Searson
INSPECTOR