The Planning Inspectorate

Appeal Decision

Site visit made on 23 November 2016

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 06 December 2016

Appeal Ref: APP/T4210/D/16/3158793
31 Chiswick Drive, Radcliffe, Manchester M26 3XB

- 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 I Holt against the decision of Bury Council.
- The application Ref 60334, dated 4 July 2016, was refused by notice dated 12 August 2016.
- The proposal it to retain an area of raised decking with an open sided covered flat roof structure and lengths of raised boundary treatment to screen, for privacy purposes, adjacent properties.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 21 and 23 Haseley Close and 33 Chiswick Drive with regard to privacy, visual impact, outlook, light and noise.

Reasons

3. The development includes a number of elements including a raised decking area; boundary fencing; and a canopy. I am mindful of the provisions within Class E of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 (GPDO) with regard to garden buildings. The Department for Communities and Local Government's 'Permitted development rights for householders: Technical Guidance 2016' also advises that the height of a building or enclosure should be measured from the highest ground level immediately adjacent to it. However, the GPDO does not allow for a raised platform with a height greater than 0.3 metres or fences in excess of two metres in height.

4. The Council's concern relates to noise. Adjacent residents have also raised a number of other matters with planning concerns relating to privacy, visual impact, light and loss of outlook. I have had regard to all of these concerns.

5. Because the raised decking extends up to the boundaries beyond the roof structure and as there are not sides to the roof structure itself, a range of clear views over the boundary fences, into the gardens of the neighbouring properties, are available from the decking area. Direct views, from a close

distance, are also available into the living accommodation of both 21 and 23 Haseley Close. This element of the proposal results in an unacceptable reduction in privacy for the residents of all three adjoining properties.

6. The raised decking, which results in the residents being in a higher position in relation to the boundary fences, would allow for greater noise transmission. As there are not sides to the roof structure and as the decking extends beyond it, I agree that the use of the decking would result in an unacceptable increase in disturbance, particularly with regard to the residents of 21 and 23 Haseley Close.

7. Although it was difficult to establish the exact height of the boundary fencing above natural ground level within the appeal site, it clearly exceeds two metres in height to the rear. However, it only marginally exceeds the height of the other retained fences that form the boundaries of the neighbouring properties. Although presenting unmatched sections of fencing above that of the neighbouring fences, I am not persuaded that they are overbearing. The visual impact is not ideal but the limited wider prominence of the fencing ensures that it does not detract from the character or appearance of the area.

8. The roof structure is visible above the fencing. It is a prominent feature when viewed from the adjoining properties because of its proximity to the boundaries and the light colour of the timber. However, I am not satisfied that it is unacceptably overbearing. Although the quality of the views from the neighbouring properties are reduced, I am not satisfied that the living conditions of the neighbouring residents have been unacceptably harmed. I am similarly not satisfied that living conditions would be harmed as a result of any increase in shading.

9. Overall, the works unacceptably harm the living conditions of the neighbouring residents with regard to the reduction in privacy and the potential for increased noise and disturbance. The development is therefore contrary to Policy H2/3 of the Bury Unitary Development Plan 1997. As the policy generally accords with the amenity requirements of the *National Planning Policy Framework*, I afford it considerable weight. The examples within the Council's Supplementary Planning Document 6: Alterations and Extensions to Residential Properties 2010 are not directly relevant but the proposal does conflict with the advice that areas of decking should not result in undue overlooking.

10. I have considered all the matters put forward by the appellant including the benefits to his family and the events that led to the current arrangements. However, I am not satisfied that there are any matters sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR