
Appeal Decision

Site visit made on 31 January 2017

by Lynne Evans BA MA MRTPI MRICS

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

Decision date: 13th February 2017

Appeal Ref: APP/W0340/D/16/3164177

43 Bluebell Way, Thatcham, Berkshire RG18 4BX

- 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 & Mrs Thirkill against the decision of West Berkshire District Council.
 - The application Ref: 16/01768/HOUSE, dated 8 July 2016, was refused by notice dated 5 September 2016.
 - The development is summer house and skate board ramp.
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Decision

1. The appeal is allowed and planning permission is granted for summer house and skate board ramp at 43 Bluebell Way, Thatcham, Berkshire RG18 4BX in accordance with the terms of the application, Ref 16/01768/HOUSE, dated 8 July 2016 and plan ref: 3603: 43 Bluebell Way Thatcham submitted with it.

Preliminary Matters

2. Although the application form appears to be dated as 8 July 2016, the decision notice refers to the date of the application as 24 June 2016 and the submitted plan is also date stamped 24 June 2016. However, in the absence of any information to confirm the correct date, I have referred to the date on the application form.
3. I am advised that the permitted development rights for *additions, extensions or ancillary buildings or structures* were removed from the property on the original planning permission.
4. As the development had been carried out before the date of the application, I shall treat the application as one made under Section 73A of the Town and Country Planning Act 1990 for retrospective permission for development as originally carried out, namely a summer house and skate board ramp.

Main Issue

5. The Council's reason for refusal is specific to the skate board ramp and the Officer's report sets out that there is no objection to the summer house. Given the modest form of the summer house, tucked behind the existing garage I agree that it does not harm the character and appearance of the existing house or local area and does not adversely affect the living conditions of the neighbours. The sole reason for refusal on the Council's decision notice relates

to the unacceptable detrimental impact of the skate board ramp on overlooking of neighbours' rear windows and amenity spaces to the east and west of the appeal site.

6. As a result of my site visit and from the information before me, I consider that the main issue in this appeal is the effect of the skate board ramp on the living conditions of the adjoining neighbours, with particular regard to overlooking and loss of privacy.

Reasons

7. The appeal property is a relatively recently built detached house within a cul de sac of similar properties within a more extensive residential development. The perimeter road, Floral Way, runs to the rear of Bluebell Way and so there are no neighbouring properties adjoining the rear of the property. There are neighbouring properties on either side of the appeal property.
8. The skate board ramp is on a raised area of the garden towards the rear boundary. There are raised platforms at either end of the ramp which are accessed from the ramp. The platforms at either end are surrounded by open wooden panels and given their small scale and open nature, I do not consider that they are visually intrusive and harm the outlook for the neighbours from their windows at the rear of their properties or from within their rear gardens.
9. Although views towards the neighbouring properties and gardens are possible from these platforms, the nature of the use of a skateboard ramp is to enable movement and turning. I consider that, given their design and intended use, static use of the platforms, which are not easily accessible other than whilst using the skateboard ramp to gain movement and momentum, is unlikely to be significant. There is no evidence before me to suggest otherwise.
10. I recognise that the neighbours in the surrounding houses could change over time. However, the application was submitted after the structures had been erected and I have noted that there were no letters of concern submitted from any neighbours; indeed the application was supported by letters from a number of surrounding neighbours, including from the properties on either side of the appeal property, expressing no objection to the application.
11. In the particular circumstances of this case, I am satisfied that the skateboard ramp does not materially harm the living conditions of adjoining neighbours through overlooking and loss of privacy. The reason for refusal does not make reference to any development plan policy with which the development conflicts.
12. However, paragraph 212 of the National Planning Policy Framework states that the policies contained in the Framework are material considerations which local planning authorities should take into account from the day of its publication. One of the Core Planning Principles of the Framework, as set out at Paragraph 17 is that planning should *always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings*. I am satisfied that the development does not conflict with this Core Planning Principle. The officer's report refers to Policy CS14 of the adopted West Berkshire Core Strategy 2012 and for the avoidance of doubt I am satisfied that the development does not conflict with this policy.

13.As the development is in place there are no conditions which I consider require to be imposed.

14.For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.

L J Evans

INSPECTOR