
Appeal Decision

Site visit made on 1 February 2017

by Jacqueline Wilkinson Reg. Architect IHBC

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

Decision date: 13 February 2017

Appeal Ref: APP/B1225/W/16/3163418

Plot 241, Swanage Bay View Holiday Park, Panorama Road, Swanage BH19 2QS

- 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 Philip Andrade against the decision of Purbeck District Council.
 - The application Ref 6/2016/0496, dated 16 August 2016, was refused by notice dated 12 October 2016.
 - The development proposed is to construct extension to existing timber decking.
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Decision

1. The appeal is allowed and planning permission is granted to construct extension to existing timber decking at Plot 241, Swanage Bay View Holiday Park, Panorama Road, Swanage BH19 2QS in accordance with the terms of the application, Ref 6/2016/0496, dated 16 August 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, park map, 1:100 block plan as proposed, 1:50 plan as existing, 1:50 plan as proposed, 1:50 front elevation as proposed, 1:50 back elevation as proposed, 1:50 side elevation (west) as proposed, 1:50 side elevation as existing and 1:50 side elevation (east) as proposed.
 - 3) No development shall take place until details of the finished deck level of the decking hereby approved relative to the existing deck level and the adjacent existing natural ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels and maintained as such thereafter.

Main Issue

2. The main issue is the effect of the proposal on the living conditions in terms of privacy of the occupiers of the neighbouring caravan at 237.

Reasons

3. The appeal caravan sits in a cluster of similar caravans called Honeysuckle which is at the highest point in this large sloping hillside site. Generally caravans are laid out in an informal arrangement on the steep rising hillside with most set at right angles to the hillside so that the occupiers can enjoy the views towards the north from their living rooms. The majority have front decks of varying sizes and side access decks, but some also have wide side amenity decks. Because of the steep cross falls, many of these decks are significantly elevated above ground level. The spaces between the vans are laid to lawn.
4. The appeal van sits adjacent to five other vans, with 237 being the closest. This caravan is to the south and is further up the slope, with a small front deck. The proposed deck would be 3.6m from this deck and 3.6m from another deck at the rear of 242. Standing at the point of the proposed deck, I saw that the living room windows of 238, 236 and 237 were visible. However, the proposed deck would be at a lower level and due to the angle of vision, I do not find that the occupiers of these rooms would suffer any significant increased loss of privacy, given the already close layout of the vans. With respect to this relationship, it would be essential that the proposed decking is kept as low as possible in relation to the natural ground level, which could be secured by a condition.
5. Whilst deck-to-deck inter-visibility would be increased, I do not find that this would cause a harmful impact on the amenity of the adjacent occupiers, given the existing amount of overlooking between decks throughout this part of the site.
6. Policy D – *Design* of the Purbeck Local Plan Part 1 November 2012 requires that all development should avoid and mitigate adverse impacts on local amenity. The Council points out that the occupiers of these vans are in effect permanent residents but the appellant argues that policy D does not apply as it does not mention caravan sites. However, policy D clearly refers to “all development” and the National Planning Policy Framework, paragraph 17 sets a core planning principle 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. Purbeck District Design Guide Supplementary Planning Document (SPD) 2014 sets out further principles and sets minimum distances, with which the proposal would not comply.
7. That said, a standardised approach to privacy distances cannot be applied to this caravan site, given that the vans are much closer than would normally be accepted for permanent residential buildings elsewhere. I have therefore assessed this proposal in the light of the existing amenity of the adjacent occupiers. I have found that in the context of this caravan site, this would not be significantly affected. I therefore conclude that although the proposal would fail the SPG requirements in terms of privacy distances, it would nevertheless comply with the wider requirements of policy D of the Local Plan to avoid adverse impacts on amenity.
8. Nearby occupiers point out that the proposed deck would be contrary to site rules and the Council’s Environmental Health Section states that it would contravene the Caravan Sites and Control of Development Act 1960 and Model Standards 1989. However, in a planning appeal I am required to assess the proposed deck against the requirements set out in the policies in the

development plan only and approval under other rules and legislation is a matter for others.

9. The deck would reduce the green space between vans to a degree, but there would still be a reasonably open setting for the cluster of vans. I therefore conclude that the character and appearance of the area and the natural beauty of the Area of Outstanding Natural Beauty would not be harmed.

Conclusions

10. For the reasons given above I conclude that the appeal should be allowed.

Conditions

11. No conditions have been proposed by the Council. I have attached the standard condition to require the development to commence within 3 years as required by the Act and I have attached the standard condition to require that the development should comply with the submitted plans. This is in order to provide certainty.
12. I have attached a condition requiring details of the finished deck level of the approved decking relative to the existing deck and adjacent natural ground levels to be submitted and approved prior to commencement of the development. This is because there is a degree of uncertainty on the plans as to the final level and also to ensure that the decking is kept as close to the natural ground level as possible to maintain the privacy of the adjacent occupiers.

Jacqueline Wilkinson

INSPECTOR