
Appeal Decision

Site visit made on 28 March 2017

by J C Clarke BSc(Hons) BTP MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/P4225/D/17/3167196
14 Bentgate Close, Milnrow OL16 4NB

- 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 Jeffrey Cleveley against the decision of Rochdale Metropolitan Borough Council.
 - The application Ref 16/01254/HOUS, dated 19 October 2016, was refused by notice dated 21 December 2016.
 - The development proposed is described on the application as 'To build a floating deck and balustrades on a flat roof with access from first floor bedroom at side of property. To cut out an opening in bedroom gable end wall and fit a double french door. A catnick lintel will be used and the door will be to British Standards regarding security and double glazing insulation'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed development had been partially completed at the time of my site visit. Whilst I was unable to gain access to the floating deck, I have been able to assess its effects having regard to the submitted documentation and the evidence of my visit. I have determined the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of occupiers of 12 Bentgate Close in relation to privacy.

Reasons

4. Numbers 14 and 12 Bentgate Close are 2 detached houses, orientated approximately at right angles to each other.
 5. The floating deck subject to appeal is located at first floor level over a single storey outrigger by the side of 14 Bentgate Close. It is separated from the rear garden of number 12 by a block containing 2 flat roofed single garages, one in the grounds of each of the 2 properties.
 6. For a person standing on the edge of the deck there would be clear views into substantial parts of the side and rear garden of, and towards a side door and
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window within, 12 Bentgate Close¹. Whilst the garage block would shield part of the grounds of number 12 from such overlooking, and the proposed ivy screen would shield views from persons sitting on the deck, these points would not fully mitigate the effects of the development in this regard.

7. I acknowledge that no objections to the deck were received from the current occupiers of number 12. However, this would not necessarily be the case for all potential future occupiers. In any event this point, together with the availability of CCTV cameras referred to by the appellant, does not over-ride the loss of privacy within number 12 that would result from the use of the deck.
8. I also note that the appeal proposal would enable the appellant and his wife to take advantage of the setting sun in the summer. However, this benefit needs to be balanced against the protection of privacy within number 12.
9. I conclude that the development subject to appeal would cause an unacceptable level of overlooking and loss of privacy for the occupiers of 12 Bentgate Close. Its approval would conflict with Policy DM1(c) of the Rochdale Core Strategy 2016 and the Guidelines and Standards for Residential Development Supplementary Planning Document 2016. There are no other matters which outweigh this finding.
10. For the reasons given above I conclude that the appeal should be dismissed.

Jonathan Clarke

INSPECTOR

¹ See photographs 1,2 and 4-10 inclusive submitted with the appeal