

Appeal Decision

Site visit made on 3 May 2017

by John D Allan BA(Hons) BTP MRTPI

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

Decision date: 17th May 2017

Appeal Ref: APP/N1160/D/17/3170774

58 Coombe Way, Plymouth, PL5 2HB

- 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 Ms J Burgess against the decision of Plymouth City Council.
 - The application Ref 16/02044/FUL, dated 19 October 2016, was refused by notice dated 26 January 2017.
 - The development proposed is described as "*Raised decking measuring 4.15M long x 3.80M wide x 1.00M high from ground level adjacent to dwelling, Timber / composite deck board construction. Timber Colonial posts, timber handrails and glass ballustrades to front edge of deck, 3.00M long x 1.00m high. Screening to 2 sides each measuring 4.15M long x 2.65M high from same ground level incorporating obscured glass block detail to allow natural light into neighbouring property (56), timber post and horizontal composite deck board construction. Additional screening (of same construction / materials as above) to lower garden boundary and rising up with the natural slope of the land at 1.80M high to 2 side boundaries. Stair case measuring 3.00M long x 0.80M wide to reach lower garden level, timber strings and composite deck board open treads.*"
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I note that the appellant agreed to the Council changing the description of the proposal to "*Raised decking and screening to rear (retrospective)*". However, during my visit I saw that the decking which currently exists on site is that which was considered retrospectively on appeal in April 2016 (Ref APP/N1160/D/15/3139066) and which extends for the full depth of the garden. The current proposal is to reduce the depth of the existing decking to 4.15m and remove a garden store which sits below the decking's furthest extent, reinstating the lower part of the plot to open garden space. The reference to "*raised decking with garden store below*" within the second reason for refusal given on the Council's decision notice is therefore erroneous. As these works have not been done the proposal is not retrospective.
 3. The appeal proposal also includes screening constructed with horizontal deck boards to each side of the garden. According to the appeal plans this means of enclosure would measure 1.65m above the level of the decking proposed to be
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retained and beyond this, according to the appellant, 1.8m above the natural slope of the land to the lower part of the garden with a 1.8m high enclosure to the back garden boundary. I saw during my visit that this part of the proposal was substantially complete.

4. Given these circumstances I have used the words that were given on the application form as these give an appropriate and accurate description of the whole development proposal that is before me.

Main Issues

5. The main issues are the effect of the development upon the living conditions at Nos 56 and 60 Coombe Way, with particular regard to visual impact, and upon the character and appearance of the area.

Reasons

6. The appeal property is part of a terrace that is stepped to accommodate the rising levels of Coombe Way. Nos 56 and 58 share a common finished floor level with No 60 stepped slightly higher. The land levels also fall fairly steeply away from the rear elevations of these properties, which have significant amounts of under-build to the rear of each.
7. The decking extends to the rear of No 58 flush with the internal finished ground floor level within the property. The depth and height of the decking, as proposed to be altered, would be similar to others that can be seen to the rear of some nearby properties. However, there is a significant variation in the relationships between neighbouring properties along this stretch of Coombe Way. This is due to a number of factors including: - the variety of ways individual gardens have been modified to deal with the sloping nature of the land; the levels differences between neighbouring plots; and the different boundary enclosures that have been used. Consequently a direct comparison of the proposed decking's height and depth with others nearby does not necessarily indicate the form of the development overall would sit comfortably with neighbouring occupiers or within its wider setting.
8. To one side, No 60 has a decked area immediately adjacent to its rear elevation. This is of a similar depth to that proposed at No 58 but is at a lower level and which is accessed from an original short flight of external steps that lead from the property's rear patio doors. However, due to the step change in levels between Nos 58 and 60, the height of the screen to the proposed patio at No 58 does not appear overly excessive or overbearing. In the same way, the height and scale of the screen which slopes down from this section of the proposed decking to No 58 sits fairly comfortably in relation to a lower decked area that extends deeper into the garden at No 60. The relative height between the appeal proposal and the garden arrangement at No 60 means that the development would not appear overbearing or dominant when seen from this neighbouring garden.
9. On the other hand, the relationship between the appeal proposal and the garden area to the neighbouring property at No 56 is notably different.
10. The garden to No 56 has an original concrete patio immediately adjacent to the rear of the property and which is accessed via an external flight of steps

leading from the dwelling's rear patio doors. Nos 56 and 58 are finished with equivalent internal ground floor levels. The appellant has stated that the decking is 1m above the original ground level. I have no reason to dispute this. The screening to the side of the proposed decking is 1.65m high which places it at around 2.65m higher than the original ground level immediately to the rear of the property (and as shown on the appeal drawings). At this height, I saw that the screen appears noticeably higher in relation to the adjoining garden area at No 56 than is typical for a normal garden fence between neighbouring properties. Moreover, the garden at No 56 is terraced, with tiers that follow the falling land levels. As such, the board screening that runs along the side of No 58 is significantly higher above the lower garden levels to No 56 than the 1.8m height implied by the description of the appeal proposal.

11. Due to the low fence to the rear boundary of No 56, I was able to see from the footpath to the rear of these properties the relationship between the garden to No 56 and the screen. In my assessment, due to its overall height and length, the screen appears overbearing and intrusive when seen from the neighbouring garden. It also appears overtly prominent and out of keeping with the otherwise domestic scale and proportions of the boundary enclosures that are more typical for this location when viewed from this direction, being open to clear sight from other adjoining gardens and the public footpath.
12. For the reasons given, whilst I am not persuaded that there would be a harmful impact upon the living conditions at No 60, I find the proposal to be harmful to the living conditions at 56 Coombe Way and to the character and appearance of the wider area. In this regard there is conflict with Policies CS34 and CS02 of the adopted Plymouth Local Development Framework Core Strategy (2006-2021) 2007 and the Development Guidelines Supplementary Planning Document First Review, adopted in 2013. These seek to ensure, amongst other things, that the residential amenity of an area is protected and that development is well designed and in-keeping with the character of an area.

Other Matters

13. I have had regard to the absence of objections from neighbours or any other interested parties. However, this does not diminish the harm identified and conflict with the development plan.
14. I note the appellant's criticism of the Council's handling of the matter, including misrepresenting the composition of the adjoining garden at No 56 and their apparent failure to engage in discussions following the last appeal decision. Notwithstanding, I was able to see the layout and arrangements of the adjoining gardens for myself. Furthermore, the Council's actions have no direct relevance to the planning merits of the case that is before me.
15. I recognise that there is a significant amount of mutual overlooking between neighbouring plots in this area due to the topography of the land and the variety of raised decking areas that exist. However, for the reasons explained above, my concern with this proposal does not rest with matters relating to overlooking. In addition, I was unable to draw any direct comparison between the proposal and other garden arrangements and enclosures nearby.

Conclusion

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

John D Allan

INSPECTOR