
Appeal Decision

Site visit made on 19 October 2017

by R J Maile BSc FRICS

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

Decision date: 27 October 2017

Appeal Ref: APP/B1415/D/17/3180204

27 Boyne Road, Hastings, East Sussex, TN35 5NY.

- 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 Mrs Elizabeth Clarke against the decision of Hastings Borough Council.
 - The application ref: HS/FA/17/00124, dated 21 February 2017, was refused by notice dated 5 May 2017.
 - The development proposed was originally described as: "Reconstruction of dilapidated timber deck and steps to rear garden - retrospective."
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Procedural Matters

1. The decking the subject of this appeal had been constructed at the time of my site visit.
2. Since the word 'retrospective' does not relate to an act of development, I have omitted it from the description of the development in my formal decision below.

Decision

3. The appeal is allowed and planning permission is granted for reconstruction of dilapidated timber deck and steps to rear garden at 27 Boyne Road, Hastings, East Sussex, TN35 5NY, in accordance with the terms of the application ref: HS/FA/17/00124, dated 21 February 2017, and the plans submitted with it.

Main Issue

4. The main issue in this case is the effect of the reconstructed decking and steps upon the living conditions of nearby residents.

Reasons

5. No. 27 Boyne Road comprises one of a pair of semi-detached houses erected approximately 100 years ago, being located within a mixed residential area. It is on a sloping site, with the back garden below the level of the ground floor accommodation.
6. It is asserted by the appellant that prior to the construction of the decking and staircase there was a previous structure, albeit of a smaller size, which allowed access to the rear garden. Having regard to the difference in height between

the rear kitchen door and the garden, it is most probable that either a brick or timber staircase was provided to enable such access.

7. During my site visit I noted that several of the nearby dwellings have replaced the original staircase with wooden decking and stairways, notably at nos. 25, 29 and 39 Boyne Road. I understand that planning permission for the decking at no. 39, which property is located further to the northeast, was granted in 2008. The area of the decking in that case, however, is less than 6m² and is therefore smaller than that the subject of this appeal, which has a floor area of approximately 10.5m².
8. The subject decking is similar in terms of area to that at no. 25 next door, but considerably less than that to no. 29. It projects rearwards by some 3m, again a similar distance to that at no. 25, whereas the much larger decking to no. 29 has been constructed to accord with the depth of an adjacent single storey extension to no. 31.
9. Policy DM3 of the DMP¹ requires development to reduce or avoid any adverse impact to neighbouring properties in terms of visual amenity, privacy, overshadowing or loss of daylight.
10. From my observations on site and the photographs provided to me in evidence, I am satisfied that the scheme before me will not appear visually dominant as viewed from the rear gardens of adjoining properties; neither will it bring about loss of daylight or overshadowing.
11. The existing fence and bamboo hedge between nos. 25 and 27 satisfactorily prevents any direct overlooking from the decking to that of no. 25 next door. It also reduces any views into the private garden of that property.
12. There is intervisibility between the two areas of decking at 27 and 29 Boyne Road. This potential loss of privacy could be addressed by some form of low, obscure glazed screen if desired by either of the residents of those two properties. I am nevertheless satisfied, given the fact that overlooking of the adjoining gardens is possible from the first floor rear-facing windows of most of the adjacent properties, that the decking as constructed will not bring about any unacceptable loss of amenity.
13. For all of these reasons I find upon the main issue that the decking, which is of good quality, will not be harmful to the living conditions of nearby residents as required by Policy DM3 of the DMP.

Conditions

14. The development has already been carried out. Accordingly, no conditions are relevant or necessary.

Conclusion

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

R. J. Maile

INSPECTOR

¹ The Hastings Local Plan: Development Management Plan (adopted 23 September 2015).