



Appeal Decision

Site visit made on 22 August 2019

by D J Barnes MBA BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/M3645/D/19/3230420

10 Granville Road, Limpsfield RH8 0DA

- 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 Laura Usher against the decision of Tandridge District Council.
 - The application Ref TA/2019/412, dated 28 February 2019, was refused by notice dated 3 June 2019.
 - The development proposed is the erection of raised decking to rear of house.
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Decision

1. The appeal is allowed and planning permission is granted for raised decking to rear of house at 10 Granville Road, Limpsfield RH8 0DA in accordance with the terms of the application, Ref TA/2019/412, dated 28 February 2019, subject to the following conditions:
 - 1) Within 3 months from the date of this decision the works to the existing decking identified on the approved plans shall be undertaken.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 10GR.01; 10GR.02A; 10GR.03A; 10GR.04A and 10GR05.
 - 3) Once erected both the fence and trellis (identified on Plan Nos. 10GR.03A and 10GR.04A) and also the lowered decking level (identified on Plan Nos. 10GR.02A and 10GR.04A) shall be retained as implemented.

Procedural Matter

2. The description of development refers to the erection of raised decking to rear of house. However, decking has already been erected but the appellant is proposing amendments. For this reason, reference is made to the proposed development in this decision.

Main Issue

3. It is considered that the main issue is the effect of the proposed development on the living conditions of the occupiers of 8 Granville Road.

Reasons

4. Raised decking has been erected to the rear of the appeal property which has been the subject of a previously unsuccessful appeal¹ and, before that, a

¹ APP/M3645/D/18/3217459

Judicial Review to the decision of the Council allowing the decking. A full copy of the appeal decision has not been provided but the evidence indicates the previous Inspector considered that there was an adverse effect on the living conditions of the occupiers of 8 Glanville Road by reason of overlooking and loss of privacy. There are direct and clear views from the current decking towards, in particular, the terrace of No. 8 adjacent to this property's rear elevation. Within this rear elevation are bedroom and living room windows but the views towards these habitable rooms from most of the decking are oblique.

5. As was previously proposed, the appeal scheme retains the majority of the current decking, including lowering the height of the decking adjacent to the shared boundary with No. 8 by about 0.5 metres, but also includes the erection of a fence between the lowered and retained upper decking. The occupiers of No. 8 have suggested that the whole of the decking should be lowered but I am required to determine this appeal based upon the proposed development before me to assess.
6. The lowered deck would be at a similar level to the terrace of No. 8. In addition to the change in level, the appellant is proposing that the circa 1.7 metre high wooden fence is increased in height to around 2.4 metres by the addition of a trellis. Erecting a trellis, rather than solid fence, would soften the appearance associated with the increased height of this boundary.
7. The combination of amendments to the decking adjacent to the shared boundary would adequately protect the privacy of the occupiers of No. 8 by limiting the ability to overlook their rear elevation or garden from the proposed lowered deck. Further, the increased height associated with the trellis and the existing vegetation would limit opportunities for people climbing the proposed steps to overlook the rear garden of No. 8, including the terrace.
8. Even with the lowered deck and erection of the trellis, the available evidence indicates that the previous Inspector did not consider that the height of the proposed boundary would preclude overlooking from the retained upper deck. The Inspector assessment was that, given the head height of the person shown on the appellant's cross section plan, there would be views through the proposed trellis towards the rear garden of No. 8 for people standing or walking across the retained upper deck.
9. Reviewing the cross section accompanying this appeal and the available views from the upper deck, the erection of the proposed 1.8 metre high wooden fence at the interface between the upper and lowered decks would preclude the opportunities for overlooking and the associated loss of privacy for the occupiers of No. 8. The fence would also restrict any available oblique views towards the habitable room windows within the rear elevation of this neighbouring property.
10. Reference has been made by the occupiers of No. 8 to the siting and height of the proposed fence being overbearing and causing overshadowing of the rear terrace. However, although cumulatively with the upper decking its top would be around 3.4 metres above ground level, the proposed fence would be sited 2 metres away from the shared boundary and views would be filtered by the trellis. For these reasons, the proposed fence would not cause significant harm by being overbearing or visually intrusive, including when seated at the table on the terrace of No. 8. As already identified, the erection of the trellis would

soften the appearance associated with the increased height of the existing shared boundary.

11. The proposed fence would also be to the east of No. 8 and during the morning site visit it was observed that the terrace and rear elevation of this neighbouring property received direct sunlight across the appeal property's garden. When assessed alongside the siting of the proposed fence, there would not be unacceptable overshadowing of the curtilage of No. 8.
12. The occupiers of No. 8 have raised concerns associated with the retention of the proposed fence, including by future occupiers. However, I am satisfied that, as with situations related to privacy screens or obscured glazed windows, the imposition of a suitable condition of the type suggested by the Council would secure the retention of the proposed fence and also the trellis above the current boundary fence. If the fence or trellis were, for whatever reason, removed then it would be possible for the matter to be brought to the Council's attention and the use of enforcement proceedings could then be considered.
13. For the reasons given, it is concluded that the proposed development would not cause unacceptable harm to the living conditions of the occupiers of 8 Granville Road and, as such, there would not be a conflict with Policies DP 7 and DP 9 of the Tandridge Local Plan Part 2: Detailed Policies 2014 and Policy CSP 18 of the Core Strategy 2008. Amongst other matters these policies refer to development not significantly harming the amenities of the occupiers of neighbouring properties by reason of overlooking, loss of privacy, overshadowing or visual intrusion and for means of enclosure not to adversely effect the amenities of neighbours by reason of scale.

Conditions

14. The Council has suggested conditions in the event this appeal succeeds which have been assessed against the tests in the National Planning Policy Framework and the Planning Practice Guidance. For reasons of clarity, it is necessary for the proposed development to be erected in accordance with the approved drawings.
15. However, the decking exists and the neighbouring property is currently overlooked. Accordingly, it is reasonable for the proposed changes to the existing decking to be undertaken within a short timescale. Once the means of enclosure have been erected and the deck lowered then these works should be retained in situ.

Conclusion

16. For the reasons given, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR