
Appeal Decision

Site visit made on 28 January 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/R4408/D/19/3240901

33 Paddock Road, Staincross, Barnsley S75 6LF

- 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 Martin White against the decision of Barnsley Metropolitan Borough Council.
 - The application Ref 2019/0597, dated 19 May 2019, was refused by notice dated 20 August 2019.
 - The development proposed was originally described as proposed decking to rear 33 Paddock Road.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the development.
3. The development subject of this appeal is in situ therefore, I am considering the appeal retrospectively.

Main Issues

4. The main issue in this appeal is the effect of the development on the living conditions of the occupants of neighbouring properties with particular reference to privacy.

Reasons

5. The appeal property is a semi-detached house located within a residential area of mixed properties. To the rear, properties along Park View Road sit on a lower ground level. The 2 immediate neighbouring properties along Paddock Road are No 31 Paddock Road (No 31) and No 35 Paddock Road (No 35). Both No 31 and No 35 have small conservatories and small gardens to the rear.
6. The raised decking projects substantially into the rear garden at a significantly higher level to both the rear gardens of No 31 and No 35. There is a screen

fence along the boundary of No 35 and I recognise that this was installed by the appellant to improve privacy. However, views looking down into this neighbouring garden can still be obtained. Moreover, unrestricted views are possible into the garden of No 31 and the neighbouring properties along Park View Road.

7. I note the properties to the rear along Park View Road are a reasonable distance from the decking. However, the rear gardens are in close proximity and due to the change in ground level and the distance, despite boundary trees, there remains a significant level of overlooking from the decking.
8. I recognise that the appellant previously had a raised decking to the rear, and I note that this was in place when the property was purchased. However, based on the evidence before me this was much smaller in scale than the extended decking. Whilst similar views may have been previously possible into the gardens of neighbouring properties, the intensity of the use of the appeal decking and thus, the intensity of overlooking, is greater due to its more useable area.
9. I therefore conclude that by reason of its height, length of projection and position in relation to the neighbouring gardens, the raised decking is harmful to the living conditions of the occupiers of neighbouring properties with particular reference to privacy.
10. The development therefore fails to comply with the requirements of Policy GD1 of the Barnsley Local Plan (LP) (adopted 2019) and the House Extensions and Other Domestic Alterations Supplementary Planning Document (adopted 2019). Collectively, amongst other things, these seek to ensure developments do not result in a significant adverse effect on the living conditions of existing and future residents.
11. Policy GD1 of the LP is consistent with the provisions of the National Planning Policy Framework (the Framework) and can therefore be given significant weight. The development also conflicts with the requirements of paragraph 127 of the Framework which seeks, amongst other things, to ensure good standards of living conditions for existing occupants.

Other Matters

12. I have had regard to representations received including, amongst other things, concerns raised regarding the potential loss of light from the decking. However, as I am dismissing this appeal on other grounds, I have not pursued these matters further.

Conclusion

13. I have taken account of all the other matters raised. However, none changes the balance of these findings and the harm I have identified. I therefore conclude that the appeal should be dismissed.

Robert Walker

INSPECTOR