
Appeal Decision

Site visit made on 26 February 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/C4235/D/19/3243224

36 Mill Brow, Marple Bridge, Stockport SK6 5LW

- 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 Rachel Skirvin against the decision of Stockport Metropolitan Borough Council.
 - The application Ref DC/074622, dated 11 September 2019, was refused by notice dated 8 November 2019.
 - The development proposed is described as "retention of decking".
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Decision

1. The appeal is dismissed.

Procedural Matter

2. At the time of my site visit, the decking had been erected. I have dealt with the appeal accordingly.

Main Issues

3. The main issues are whether the proposal would preserve or enhance the character or appearance of the Mill Brow Conservation Area and the effect of the proposal on the living conditions of the occupiers of neighbouring properties with regards to privacy, outlook and light.

Reasons

Conservation Area

4. The appeal site forms part of the rear amenity area for the host property and is located within the Mill Brow Conservation Area (MBCA).
 5. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 6. The MBCA is characterised predominantly by residential properties within an agricultural setting that is located in the fold of a steep valley. The appeal property and surrounding houses are located at the top of a steep hill which drops to the stream below. In my view the significance of the MBCA is derived from the close relationship between the built form and natural environment.
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7. The proposed decking is large in scale and appears as an incongruous feature within the surrounding area. There are other decking areas located nearby however, these are set at a lower level and the proposal is located in a prominent higher position. The decking is located to the rear of the appeal property and whilst it is screened from the main street, due to its size and siting it is visually intrusive when viewed from neighbouring properties.
8. I have had regard to the appellants statement of case, including comments that the area is not attractive, has no architectural continuity with various size and types of doors and windows, and there are some properties in the area that are uninhabited and have fallen into disrepair. The materials of the decking are not out of keeping with the various palette of materials that are viewed in the surrounding area. These matters however do not outweigh the harm caused by the large structure encroaching awkwardly into the natural environment.
9. Accordingly, the proposal does not preserve or enhance the character and appearance of the MBCA. The proposal conflicts with Policy SIE-3 of the Stockport Metropolitan Borough Council Local Development Framework Core Strategy 2011 (CS) and Policy HC1.3 of the Stockport Unitary Development Plan Review 2006 (DP) and the Stockport Metropolitan Borough Council Local Development Framework Extensions and Alterations to Dwellings Supplementary Planning Document 2011 (SPD) which seeks development to have regard to the built and natural environment and contribute to the character and appearance of the Conservation Area.

Living conditions

10. The rear amenity areas of the properties at Mill Brow are terraced and have an open aspect with minimal boundary treatment. Existing amenity areas are currently overlooked by other neighbouring amenity areas due to the terraced effect of the gardens. The proposal is set higher and does overlook part of the amenity areas of 36 and 38 Mill Brow however, given the existing level of overlooking onto these areas, I do not consider that the overlooking from the decking area is adversely harmful and does not result in a significant loss of privacy.
11. The decking extends up to the boundary with the neighbouring properties either side and has a height ranging from around a metre to 1.3 metres above the land on which it sits. Due to the height and positioning of the decking in relation to the adjacent amenity areas, the decking does not appear overbearing and does not result in a significant reduction in light from overshadowing to neighbouring properties and amenity areas.
12. The proposal, therefore, does not have a harmful effect on the living conditions of occupiers of neighbouring properties with regards to privacy, overlooking and light. The proposal is in accordance with Policy SIE-1 of the CS, Policy CDH1.8 of the DP and the SPD, which seeks, amongst other things, proposals to not cause damage to the amenity of neighbouring properties by reason of overlooking, overshadowing or loss of privacy.
13. Whilst I have found that the proposal does not compromise the living conditions of neighbouring occupiers this does not outweigh the harm I have identified with regards to the MBCA.

Other matters

14. I note that the appellant has sought to improve economic, social and environmental conditions, including creating a family home with a safe amenity area, using non-slip, durable and recycled materials that would not be required to be painted or treated. The appellant was not aware that planning permission was required for the decking and is also not satisfied with the service received from the Council including a lack of opportunity not to revise the scheme. These matters and benefits however do not outweigh the harm I have identified in the main issues.

Conclusion

15. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR