
Appeal Decision

Site visit made on 25 February 2020

by M Scriven BA (Hons) MSc CMgr MCIHT MCMI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/X1165/D/19/3244546

47 Occombe Valley Rd, Preston, Paignton, Devon TQ3 1QX

- 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 A Siddall against the decision of Torbay Council.
 - The application Ref P/2019/1118, dated 21 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is rear garden raised decking.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The decking has largely been installed, albeit alterations were proposed in the drawings indicating additional screening. I have therefore determined the appeal on the basis of the structure which I saw as well as the drawings provided. During my visit I also viewed the site from the nextdoor property at 49 Occombe Valley Road.

Main Issues

3. The main issues are the effect of the development on:
 - The character and appearance of the surrounding area, particularly from the roadside.
 - The living conditions of the occupiers of Nos 45 and 49, with particular regard to privacy and outlook.

Reasons

Character and appearance

4. Occombe Valley Road is a residential road, No 47 sits amongst other similar semi detached properties elevated from the road. Rear plots are on steep upward inclines, varying in appearance from dense vegetation to terraced gardens. Visual gaps between pairs of properties exist with views to the highest parts of rear plots from road level.
 5. The views to the gardens and trees beyond soften the backdrop to buildings along this side of the road and make a positive contribution to the character and appearance of the area. The development spans much of the width of the top of the plot at its most prominent point, protruding out from the hillside.
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Notwithstanding the appellant's comments that the structure cannot be seen from the street, I noted that in part, the deck is visible from the road through the gap between Nos 47 and 49. Given its size, location and materials used, the views of largely green and garden space typically found between the properties have been disrupted, with the result that the development clearly and harmfully contrasts with its surrounding. The artificial screening proposed would not overcome this harm given much of the structure visible from the road is the deck's fencing and steps.

6. The existing development has, and the proposed screen would conflict with Policy DE1 of the Torbay Local Plan 2012-30, adopted 2015 (Local Plan), which amongst other considerations, seeks to ensure development integrates with existing surrounds and streetscene. Similarly, the development conflicts PNP 1c of the Paignton Neighbourhood Plan 2012-30, adopted June 2019, which amongst other criteria, seeks to strengthen local identity by development which is in keeping with the surrounds.

Living conditions

7. The nature of the steep plots facing the rear of dwellings means there will likely have already been a degree of overlooking from their highest point to rooms at the rear of neighbouring properties below, although the extent of this would be limited in part due to the steepness of the site and its limited usability. However, the introduction of the large decking structure exacerbates this as a promontory has been created, meaning that users of the deck would have a clear view in to rear bedrooms and ground level kitchen windows, thereby considerably reducing the privacy of immediate neighbours at Nos 45 and 49, to a markedly greater degree than would have previously existed.
8. The considerable scale of the structure and its elevated position means that it is not only clearly visible from rooms at the rear of Nos 45 and 49, but it creates an unacceptable overbearing effect leading to those looking out of their kitchen and bedroom windows feeling more enclosed as the eye is drawn to the structure rather than vegetation. Proposals to offset this significant harm, including taller fencing and artificial screening would provide some mitigation to the harm to privacy but would make the current structure even more prominent in form, adding further harm to outlook and the area's character and appearance.
9. Therefore, the development does, and with the added screening would, not accord with Local Plan Policy DE3 which requires that development should not unduly impact upon the amenity of neighbouring and surrounding uses. Although the appellant has mentioned the need to consider the development plan as a whole I have not been directed to any policies in either of the documents which would indicate that the development would otherwise accord with the development plan given the harm I have identified.

Other matters

10. It is evident such a large level area would improve the appellant's living conditions by means of provision of additional useable outside space, this would be at the expense of those enjoyed by neighbours and as a private consideration carried very little weight. The appellant has referred me to another example of a raised deck nearby, however whilst the one I observed was visible, in contrast to the appeal development that structure was of a more

sympathetic design as a result of which it has been assimilated into its surroundings as a result in a manner which the appeal proposal would be unlikely to do. In any case I have considered the appeal on its own merits. The appellant and others perceive the structure to be better than that which was there before. Not only have I no detailed information about the previous situation, irrespective of any such effects I have found harm in terms of neighbours' living conditions as well as character and appearance. These other considerations do not therefore lead me to a different conclusion.

Conclusion

11. For the above reasons the appeal is dismissed.

M Scriven

INSPECTOR