



Appeal Decision

Site visit made on 14 September 2020

by David Wyborn BSc(Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2020

Appeal Ref: APP/V3310/D/20/3245943

2 Grove House, Downhall Drive, Wembdon, Bridgwater TA6 7RT

- 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 Madeleine Casson against the decision of Sedgemoor District Council.
 - The application Ref 51/19/00026, dated 25 October 2019, was refused by notice dated 13 December 2019.
 - The development proposed is the erection of platform on top of garden shed on rear elevation of No 2 Grove House.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of platform on top of garden shed on rear elevation of No 2 Grove House at 2 Grove House, Downhall Drive, Wembdon, Bridgwater TA6 7RT in accordance with the terms of the application, Ref 51/19/00026, dated 25 October 2019, subject to the following condition:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: Drg No 001, 002, 003 and 004.

Procedural Matter

2. The platform on top of the garden shed has already been constructed and therefore the proposal is retrospective. I will consider the appeal accordingly.

Main Issue

3. The main issue is whether the development provides acceptable living conditions for the occupants of 1 Grove House, with particular regard to any overlooking from the raised platform.

Reasons

4. Grove House is a substantial property divided into three dwellings and located in an established residential area. No 2 Grove House is the central property and has front and rear gardens. From Downhall Drive there is a vehicular access that serves a number of properties, including providing a drive to the car parking area to the rear of No 2.
5. No 1 Grove House has a rear garden that accommodates a parking area adjoining the rear of the dwelling. Other parts of the rear garden include areas laid to lawn and planting. The vehicular access to No 2 curves around the garden of No 1 which is bounded by fencing and hedging.

6. To the rear of the Grove House site is a high quarry face. Tower Cottage is built against and on the top of the quarry face and is located beyond and off-set from the garden of No 1. Tower Cottage is a tall and slim dwelling which is accessed via pedestrian steps that passes from the shared drive. It is also accessed via the fairly steep slope of a section of the shared vehicular drive which continues up the slope and also serves other properties.
7. The rear gardens of 1 and 2 Grove House are subject to quite a high degree of overlooking from the general surroundings because of the position of the shared vehicular drive, the higher levels of some of the surrounding land and the position of other dwellings, with the orientation of their windows. In particular, there are some views into the rear garden of No 1 through the opening to the car parking area from the shared drive, from the steps up to Tower Cottage and from the quite large windows of Tower Cottage which face towards the rear of No 1. Additionally, there are views of some parts of the rear garden of No 1 from the verge section of the upper shared drive and from the rear higher level windows of No 2.
8. The proposal seeks to retain the rear shed with first floor platform at the rear of No 2. It is positioned against the back wall of the dwelling, with a timber staircase and balcony railings. The platform can only be accessed via a reasonably steep, external staircase with no direct access from the house. The position tight to the broadly north facing elevation of the house means that the platform is unlikely to receive much direct sunlight. In all these circumstances, the reasonably modest area of the platform is unlikely to be used on a very regular basis.
9. At my site visit I viewed the surroundings from the platform area. There are views down the garden of No 2 and across the fenced boundary with No 1. The adjoining parking area is apparent. Sections of the lawn area of the garden to No 1 are visible although there is a small clipped tree and some other limited areas of vegetation above the fence which help partially screen the view. The more secluded seating area towards the bottom of the garden is largely obscured because of its position near the fence and the proximity of planting. The platform area is set back from the boundary with No 1 and, overall, the overlooking from the platform into the garden area of No 1 is fairly limited.
10. I have taken into account the objections to the retention of the platform from the Council and Parish Council based largely on their overlooking concerns. However, as I have explained above, there are already a variety of views into reasonably large sections of the garden of No 1. In comparison, the view from the platform area is not to the same extent as some of these existing views and the use of the platform does not add materially to the levels of overlooking. In the very specific circumstances of this case, I consider that the relationship of the platform and nature of the views towards the neighbouring property are such as to maintain the quality of living conditions for the occupiers of No 1.
11. In the light of the above analysis, I conclude the development provides acceptable living conditions for the occupants of No 1, having particular regard to overlooking from the platform. As a consequence, the proposal accords with Policy D25 of the Sedgemoor Local Plan 2011-2032 (February 2019) which requires that development proposals that would result in an unacceptable

impact upon the residential amenity of occupants of nearby dwellings will not be supported.

Conditions

12. As the development has been built there is no need for a condition that specifies the statutory period for commencement or a condition in respect of external materials. To ensure that the development is as detailed on the plans a condition specifying the approved plans is necessary.

Conclusion

13. Having regard to the above, I conclude that the appeal should be allowed.

David Wyborn

INSPECTOR