



## Appeal Decision

Site Visit made on 6 October 2020

**by M Bale BA (Hons) MA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 November 2020**

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**Appeal Ref: APP/B1415/D/19/3240849**

**20 Winchelsea Lane, Hastings, East Sussex TN35 4LG**

- 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 Peter Gould against the decision of Hastings Borough Council.
  - The application Ref HS/FA/18/01112, dated 16 December 2018, was refused by notice dated 23 August 2019.
  - The development proposed is described on the application form as extend existing 1m concrete apron to front and side of bungalow with timber decking, steps and ramp down to garden, erect along north east side boundary 1.8m high fence, part at ground level remainder on timber decking (retrospective).
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Although the application has been described as retrospective, amended plans were submitted to the Council for an alternative configuration to that which has been constructed at the site. I have determined the appeal on the basis of the amended plans.

### Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No.24 Winchelsea Lane, with particular regard to outlook and privacy.

### Reasons

4. No.20 Winchelsea Lane sits considerably higher than neighbouring No.24. Decking would extend a concrete apron around the dwelling creating a high structure alongside the boundary, raised above the neighbouring ground level, with a timber fence on top. The majority of this fence would be alongside the dwelling limiting views of it from within No.24. However, it would be appreciably closer to the boundary than the dwelling where its height and solid form would have an oppressive dominating effect on the outlook from parts of No.24 and its garden.
5. A ramp would be constructed alongside the boundary leading from the decking to a lower area of garden. It would protrude above a low boundary fence at ground level. Users of the ramp would have clear views over the fence into the garden of No.24 and towards the windows of the dwelling. Although transient and limited to when the ramp was in use, the close-range nature of the views would harm the privacy of No.24.

6. Without the development, there would be a degree of mutual overlooking between Nos.20 and 24. However, the most open views from the concrete apron would be slightly set away from the boundary and would not include clear views towards the windows of No.24. Therefore, they do not compare to the loss of privacy from the ramp.
7. Overlooking could be prevented through the installation of an obscure glazed screen alongside the ramp, but this would add to the height of the structure. Viewed alongside the high fence, it would exacerbate the overbearing presence and harm to outlook. Although there was previously a high evergreen boundary between Nos.20 and 24, the solid nature of the proposal would be more oppressive.
8. I, therefore, find that the proposal would conflict with the aims of Policy DM3 of the Hasting Local Plan – Development Management Plan 2015 that seek to ensure development avoids adverse impacts on the amenity of neighbouring properties.
9. The ramp seeks to facilitate disabled access to the lower part of the garden. However, in the absence of substantive evidence that the proposal is the only way of achieving this, I give this benefit very little weight.
10. For the reasons given above I conclude that the appeal should be dismissed.

*M Bale*

INSPECTOR