
Appeal Decision

Site visit made on 6 October 2020

by C Coyne BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2020

Appeal Ref: APP/U4610/D/20/3257452
936 Broad Lane, Coventry CV5 7FG

- 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 Ms A Foster and Mr M McDaide against the decision of Coventry City Council.
 - The application Ref HH/2020/0732, dated 18 March 2020, was refused by notice dated 19 May 2020.
 - The development proposed is retrospective planning application for raised patio, plus new section of trellis on top of existing fence.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective planning application for raised patio, plus new section of trellis on top of existing fence at 936 Broad Lane, Coventry CV5 7FG in accordance with the terms of the application Ref HH/2020/0732, dated 18 March 2020, and the plans submitted with it, subject to the following conditions:
 - 1) The proposed trellis fencing hereby permitted shall be carried out in accordance with the following approved plans: Drawing 2000-SK-001; Drawing 2000-SK-002.
 - 2) The proposed trellis fencing hereby permitted shall begin not later than 1 year from the date of this decision.

Application for costs

2. An application for costs was made by Ms A Foster and Mr M McDaide against Coventry City Council. This application is the subject of a separate Decision.

Procedural Matters

3. The application form indicates that the proposed development has already taken place. On my site visit I saw that this was partially the case with the proposed raised patio/decking area being in place with the proposed trellis fencing not being in place. I have therefore determined the appeal on this basis.
4. While on site I also observed that there is also a garden shed/playhouse on this raised patio/decking area which the Council have referred to in their officer report. However, notwithstanding this shed/outbuilding being in place, it does not form part of the scheme before me and I have therefore determined the appeal on this basis.

Main Issue

5. The main issue is the effect of the proposed development on the living conditions of the occupiers of no. 938 Broad Lane having particular regard to matters of privacy.

Reasons

6. The appeal property is a two-storey semi-detached dwelling with a long and narrow rear garden with a sloping topography that lowers as it moves backwards. The neighbouring property no. 938 has a similar back garden with an outbuilding within it. There is also what appears to be a covered storage area immediately to the rear of no. 938 in front of one of the ground floor windows and shrubbery close to the shared boundary with no. 936. The surrounding area is predominately residential with most properties on this side of Broad Lane being of a similar style with comparable back gardens some of which have outbuildings and/or raised patios/decking.
7. The proposed raised patio/decking area extends the existing one to the rear of the dwelling by approximately 9 metres with a set of steps leading down to the rest of the grassed garden area. It is also proposed to place a new section of close woven lattice trellis on top of a lower section of the existing boundary fence. As a result, the height of the fence would be approximately 1.8 metres from the decking surface running from its nearest point to the dwelling to where the steps are located. In effect this would mean that the height of the fencing on the shared boundary would be the same in the area where the raised patio/decking is located as it is in the rest of the garden.
8. I acknowledge that the proposal would result in some overlooking of the rear garden area and ground floor rear windows of no 938. However, I consider that the proposed trellis would raise the height of the existing fence so that it would adequately mitigate this impact. Consequently, this in combination with the presence of the covered storage area and boundary shrubbery means that, I consider that the proposal would not cause an unacceptable visual intrusion or loss of privacy to the occupiers of no. 938.
9. The appellants have also cited a fallback position consisting of the removal and re-installation of the proposed raised patio/decking under permitted development rights which would not include the proposed trellis. They have also submitted substantive evidence to support this showing that a lawful development certificate has been granted for such a development. Consequently, there is a reasonable likelihood of it being implemented without the mitigation of harm provided by the proposed trellis fencing and I have therefore afforded this fallback position significant weight.
10. I therefore conclude that the proposed development would not materially harm the living conditions of the occupiers of no. 938 Broad Lane having particular regard to matters of privacy. As a result, the proposal would accord with policy DE1 of the adopted Coventry City Local Plan 2017 and paragraph 130 of the National Planning Policy Framework which aim to seek high quality design amongst other considerations.

Conditions

11. As the proposal is partially retrospective the Council has not requested that any planning conditions be imposed. However, I have imposed a necessary condition to ensure that the proposed trellis fencing is carried out in accordance with the approved plans, for the avoidance of doubt.
12. In the interests of the living conditions of neighbouring occupiers I have also imposed a necessary implementation condition to ensure that the proposed trellis fencing is installed within a reasonably quick period of time.
13. As the retrospective part of the proposal has already been granted a certificate of lawful development, I have not imposed the standard retrospective permission condition requiring details to be submitted in writing to the local planning authority for approval.

Conclusion

14. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne

INSPECTOR