



Appeal Decision

Site Visit made on 27 October 2020 by John Gunn DipTP Dip DBE MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2020

Appeal Ref: APP/L2820/D/20/3250395

87 Littlewood Street, Rothwell, Kettering, NN14 6DU

- 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 Miss Michelle Wright against the decision of Kettering Borough Council.
 - The application Ref KET/2019/0837, dated 22 November 2019, was refused by notice dated 17 March 2020.
 - The development proposed is described as '1 child's skateboard ramp. 1 wooden ramp for personal use only. Built from wood, not permanent. Just sat on the grass, can be took apart and moved and re built, open frame so not noisy like ramps in skate parks, as they are boxed in when built. Ramp is built in back garden 20 feet away from fence, so not next to neighbours. Also trellis fitted on fence sits 8ft high so cannot be seen by neighbours as ramp only sits 5ft'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. I note the appellant's concern that the ramp is play equipment for use by her son and can be taken apart and moved. Within the context of an appeal under section 78 of the Act it is not within my remit to formally determine whether the proposed development requires planning permission. If the appellant wishes to ascertain whether the development is lawful, she may make an application under section 191 of the Act.

Main Issue

4. The effect of the skateboard ramp upon the living conditions of the occupiers of neighbouring properties, with regard to privacy and noise disturbance.

Reasons

5. The skateboard ramp sits a short distance from the northern boundary of the appeal site, beyond which there are several bungalows. The bungalows have

short rear gardens and windows facing towards the party boundary with the appeal property. On the common boundary between the properties there is a solid fence, that has been extended upwards by the addition of a bamboo fence, giving it an overall height of approximately 3 metres. A number of medium sized, multi stemmed, deciduous trees were located adjacent the northern boundary, and alongside the skateboard ramp.

6. The skateboard ramp has 2 platforms, approximately 1.68 metres above ground level, one at each end. The view from these platforms towards the bungalows is limited, because of the existing fencing and vegetation, but nonetheless I saw glimpses of the rear facing windows of the bungalows and could see into the small rear gardens when I was stood on the platforms of the ramp. In the event that the tall fencing was removed, and in the winter months, the views into the rear windows of the adjacent properties in Scott Avenue from the skateboard ramp platform would be more pronounced. A loss of privacy to the occupiers of these properties has and would result from the use of the ramp, and this feature has likely made these properties and their rear gardens less pleasant to spend time in as a consequence.
7. The development lies a short distance from the side common boundaries of Nos 85 and 91 Littlewood Street. The dwellings at these addresses lie some distance from the skateboard ramp and, given the separation distance and oblique angle of view towards the buildings, it is unlikely that there would be any impact on the privacy experienced within the properties.
8. Existing trees occupy parts of the rear garden of No 91 and I observed that views into the garden from the ramp were limited. As a result, it is unlikely that anyone using the outdoor space would be significantly affected by overlooking from users of the development.
9. However, notwithstanding the existing boundary fence, and recently planted trees adjacent the common boundary, the views from the platforms closest to the boundary into the rear garden to No. 85 were more open. I noted that this rear garden contained a number of greenhouses, and an area devoted to growing crops, suggesting regular use of the space. Consequently, the use of the ramp would be likely to result in a loss of privacy to the garden of No 85, which would make it a less pleasant place to use.
10. I acknowledge that the ramp would be primarily used by the appellant's teenage son and it would not be in constant use, however, this would not overcome the harm that I have identified above.
11. Furthermore, I acknowledge that concerns have been raised by local residents, and the Environmental Health Officer, in respect of noise disturbance, however, I have only anecdotal evidence of the impact of the development before me. Consequently, I cannot formulate an objective view of the extent of any noise impact that would arise as a result of the development. I give this matter neutral weight.

Conclusion

12. Whilst I have found that the impact of the development on neighbouring occupiers as result of noise disturbance has not been proven, I find that its use has resulted in a loss of privacy to them resulting in harm to their living conditions. Consequently, the development is contrary to Policy 8 of the North

Northamptonshire Joint Core Strategy 2011-2031 which, amongst other things, seeks to protect the amenities of neighbouring properties by ensuring that there are no unacceptable impacts by reason of overlooking, amongst other matters.

Recommendation

13. For the reasons given above and having regard to all other matters raised, I recommend that the appeal should be dismissed.

J Gunn

APPEAL PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

RC Kirby

INSPECTOR