



Appeal Decision

Site visit made on 9 November 2020

by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2020

Appeal Ref: APP/H0520/D/20/3260008

29 Elm Drive, St Ives PE27 6TH

- 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 and Mrs Bicknell against the decision of Huntingdonshire District Council.
 - The application Ref 20/01251/HHFUL, dated 13 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is described as "alterations to windows on front elevation and raised decking to rear for wheelchair access".
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Decision

1. The appeal is allowed and planning permission is granted for alterations to windows on front elevation and raised decking to rear for wheelchair access at 29 Elm Drive, St Ives PE27 6TH in accordance with the terms of the application, Ref 20/1251/HHFUL dated 13 July 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Proposed decking and altered front window Job No. 1076 Drawing No. P_01 dated July 2020; and Proposed decking and altered front window Job No. 1076 Drawing No. P_02 dated July 2020.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall be as stated on the application form.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The Council's reason for refusal refers only to the raised decking area. The design of the window alterations would match the style of the existing dwelling and there are a variety of building styles within the wider area. Consequently, I am satisfied that the front window alterations would be acceptable and, accordingly, this recommendation focusses on the issue in dispute which is the raised decking.

Main Issue

4. The main issue is the effect of the proposal upon the living conditions of the occupants No. 27 Elm Drive and No. 28 Chestnut Road, with particular reference to privacy.

Reasons for the Recommendation

5. The appeal site comprises a detached property located in the residential street of Elm Drive in St Ives, close to the junction with Chestnut Road. The dwellings along the street have a staggered building line, such that the appeal property sits slightly forward of the neighbouring house at No. 27 Elm Drive. Due to the corner plot location, the other neighbouring dwelling at No. 28 Chestnut Road sits perpendicular to the appeal property with its rear elevation directed towards the back garden at the site.
6. The proposal relates to the installation of a decking area at the existing rear extension to the property. As a result of the elevated height of the access door and the differing ground levels, this decking would be raised. The decking would protrude in an easterly direction from the rear of the appeal property, and would not provide significantly different views in this direction than those currently experienced from the rear windows.
7. As observed on site, a tall fence runs along the boundary between the rear gardens of the appeal site and No. 28 Chestnut Road. Trees and hedging are present at various points along both sides of this fencing. At the appeal property, a trellis also sits above the height of the fence which, although not solid, aids in obscuring the neighbouring site. The design of the proposal includes a ramped access such that the decking steps down as it gets closer to this boundary, ensuring that views from a height would not be possible along the entire rear elevation of the appeal property. With regards to the potential for overlooking from the raised parts of decking, the combination of elements present at the boundary would provide adequate screening of views of the gardens and rooms of No. 28 Chestnut Road from the proposal, even when accounting for the additional protrusion of the decking area.
8. Due to the staggered building lines along Elm Drive, the rear extension at the appeal property sits forward from the conservatory at No. 27 Elm Drive. The proposal would therefore be adjacent to the southern elevation of this neighbouring conservatory. However, a similarly tall fence runs along the boundary with No. 27 such that any resulting views into the conservatory or rear gardens would not be significant.. Furthermore, due to the differing land levels and sloping driveway at the site, the decking would not be significantly higher than the highest point of the driveway running along this side boundary.
9. For those reasons, the proposed development would not cause harm to the living conditions of the occupiers of No. 27 Elm Drive and No. 28 Chestnut Road with regards to privacy. It is not uncommon for a certain degree of mutual overlooking to occur between properties in urban areas. In this case, the relationship between the decking and neighbouring dwellings, and the presence of boundary screening, would ensure that acceptable levels of privacy would be maintained. Accordingly, it would comply with Policy LP14 of Huntingdonshire's Local Plan to 2036 (May 2019), part 3.7 of the Huntingdonshire Design Guide Supplementary Planning Document (2017) and paragraph 127(f) of the National Planning Policy Framework, which seek to ensure good living conditions.

Conditions

10. The standard time limit condition as well as conditions to ensure that the development is carried out in accordance with the approved plans and application form, including the specified materials, are necessary for the avoidance of doubt, in the interests of proper planning, and to ensure that the development has a satisfactory appearance.

Other matters

11. Comments have been provided from neighbouring residents regarding the rear extension that is in place at the appeal property, including its location, roof style and fenestration. However, this does not relate to the appeal before me, which is concerned only with the proposed decking area to the rear.

Conclusion and Recommendation

12. Having had regard to all matters raised, I recommend that the appeal should be allowed subject to the conditions at paragraph 1 of this report.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be allowed subject to the conditions at paragraph 1 of this report.

C Preston

INSPECTOR