



Appeal Decision

Site visit made on 8 February 2021

by Alison Partington BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th February 2021

Appeal Ref: APP/P3420/D/20/3262371

17 Boyles Hall Road, Bignall End, Newcastle-Under-Lyme, ST7 8QG

- 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 Keith Green against the decision of Newcastle-Under-Lyme Borough Council.
 - The application Ref 20/00590/FUL, dated 13 July 2020, was refused by notice dated 16 September 2020.
 - The development proposed is decking 7.1m x 2.28m.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The area of raised decking has been partially constructed and I have determined the appeal on this basis.

Main Issue

3. The main issue in the appeal is the effect of the development on the living conditions of No 3 McEllin Close with particular regard to privacy.

Reasons

4. The appeal property is a detached bungalow with a drive to the side. Due to the sloping topography, the rear garden is at a lower level than the dwelling and the drive. The decking extends the full width of the property and can be accessed from both sets of patio doors on the rear elevation as well as from the drive.
5. To the rear of the property, and at a similar level to the rear garden of the dwelling, is a bungalow - No 3 McEllin Close. The rear garden of both No 3 and No 17 are of limited depth. As a result, the separation distance between windows on the rear elevations of the two dwellings already falls below the 21m set out in the *Space Around Dwellings Supplementary Planning Guidance (adopted 2004)*.
6. Along the common boundary of these two dwellings is a high fence which in places is supplemented by a slightly higher coniferous hedge. This hedge currently prevents any views from No 17, or its drive, of the windows serving the main living rooms in No 3. Nonetheless, at present, it is possible to see the top part of the bedroom windows of the adjacent property from the patio doors serving the lounge.

7. The decking area projects just less than 2.3m from the rear elevation of No 7. Whilst it is not possible to see into the garden of the property at the rear from the decking, it enables views not simply of the bedroom windows at No 3 but actually into the rooms. The decking therefore increases both the level of overlooking of this neighbouring property and the perception of being overlooked. As a result, it would significantly reduce the level of privacy for the occupiers of this dwelling.
8. Moreover, the decking would be wide enough to allow people to sit on it, which could be for lengthy periods of time. People doing this would be sitting looking directly at No 3, further increasing the perception of being overlooked.
9. Consequently, I consider that the development would unacceptably harm the living conditions of the occupiers of No 3 McEllin Close with particular regard to privacy. Therefore, it would conflict with the *National Planning Policy Framework* which seeks to ensure that developments are well designed and provide a high standard of amenity for future and existing users (paragraph 127).
10. I note the desire to provide level access to the rear of the property. However, whilst desirable I am not persuaded this is essential, especially as step free access is already possible to both the house and rear garden.
11. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR