



Appeal Decision

Site visit made on 6 July 2021 by M Long

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 August 2021

Appeal Ref: APP/L1765/D/21/3270420

11 Harvest Road, Denmead, Waterlooville PO7 6LD

- 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 Mrs Lisa O'Neill against the decision of Winchester City Council.
 - The application Ref 20/01841/HOU, dated 15 August 2020, was refused by notice dated 14 December 2020.
 - The development proposed is decking in the back garden.
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Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. The original planning application was made retrospectively and during the site visit I observed the completed works. The appeal has therefore been considered on a retrospective basis. Clarification on a number of matters was sought from the Council and the appellant was given the opportunity to respond.

Main Issue

4. The main issue is the effect of the development on drainage and associated surface water flooding.

Reasons for the Recommendation

5. The appeal site is a semi-detached dwelling situated on the western side of Harvest Road. Its rear garden contains an extension, garage outbuilding, hard surfacing and a large, decked area. The surrounding area is residential and is predominantly comprised of semi-detached and detached housing set within sizeable plots. Evidence submitted by the Council indicates that this locality is characterised by pre-existing surface water runoff and associated drainage problems.
6. The development is decking that covers a substantial proportion of the rear garden. The decking has been constructed with good quality materials and its appearance is in keeping with the character of the appeal dwelling. The decking has standard sized spacing between the boards and has been constructed with a permeable membrane beneath.

7. Notwithstanding the nature of the construction, the decking would still impact upon the ability of the water to infiltrate into the ground, particularly during periods of heavy rainfall. The appellant has not provided any technical evidence, such as an assessment provided by a qualified drainage engineer, either with the original planning application or subsequently with this appeal. As such, there is insufficient evidence to conclude that the large size of the decking has not led to increased surface water runoff and associated drainage problems in the surrounding area.
8. The appellant has suggested that other evidence could be provided, however the appeal must be considered on the basis of the submitted evidence before me.
9. Given the above, there is insufficient evidence to demonstrate that harm would not arise in terms of drainage and surface water flooding. As such, the development does not accord with Policy DM16 of the Winchester District Local Plan Part 2 (Development Management and Site Allocations), adopted April 2017, which seeks to ensure development uses an appropriate ratio between hard and soft landscaping having regard to the character of the area. The ratio between hard and soft landscaping would include matters relating to surface water runoff in areas characterised by pre-existing drainage and surface water flooding issues. Although expressed slightly differently in the officer report, it is clear that the Council's primary concern has related to drainage and surface water flooding.

Other Matters

10. The appellant has suggested that a reduced area of decking or the relocation of a rear garden fence would result in a scheme that does not require express planning permission. However, there is no formal confirmation that such an approach would result in this outcome. All the necessary evidence required to reach an informed view on this matter has not been provided and, in any event, formal decisions that a proposal would not require express planning consent cannot be made through an appeal process against a refusal of planning permission. There are other procedures where such matters can be submitted to the Council.
11. Concerns have been raised regarding the handling of the application, including issues arising during the consultation with the Council's drainage engineer and communication with the planning officer. While the appellant has submitted evidence that suggests this may be the case, this matter does not alter the principal planning merits upon which this appeal is decided.
12. Procedural concerns have also been raised with respect to the comments from Denmead Parish Council and with respect to neighbour objection letters. I have considered this appeal scheme on the key planning merits and, in themselves, the comments made by these parties have not been determinative in this recommendation.
13. The appellant has outlined that the development provides benefits to their family, particularly catering to the needs of their children. However, it is not evident that the development as constructed is the only means through which this could be achieved, therefore I give this matter limited weight. This does not outweigh the harm that could arise.

Conclusion and Recommendation

14. The development would not accord with the development plan when considered as a whole. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR