



Appeal Decision

Site Visit made on 14 September 2021

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 September 2021

Appeal Ref: APP/A2335/D/21/3274712

Railway Cottage Corricks Lane, Conder Green, Lancaster LA2 0AN

- 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 David Sharratt against the decision of Lancaster City Council.
 - The application Ref 21/00031/FUL, dated 10 January 2021, was refused by notice dated 26 March 2021.
 - The development proposed is the erection of a free standing raised decking area to the garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. A revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. I have had regard to the Framework in my decision and I am satisfied that this has not prejudiced any party.
3. The raised decking area with external steps has been erected, I am therefore considering the appeal as retrospective.

Main Issues

4. The main issues are i) the effect of the development upon the character and appearance of the area; and ii) the effect of the development on the living conditions of the neighbouring occupier at 'River Winds', with particular regard to overlooking.

Reasons

Character and appearance

5. The appeal site relates to the garden area of a detached property located within the designated open countryside. Access to the property is along Corricks Lane, which is adjacent to the Lune Estuary. The garden area forms part of an embankment to the south, with agricultural land to the north and east. The neighbouring property 'River Winds' is to the east and heading to the west of the site is the Glasson-Lancaster railway path, which forms part of a footpath and cycle network.
6. The decking area is of a substantial height from ground level, particularly due to its supporting structure and is positioned to the south of the site within the confines of the existing embankment. It is accessed via external steel steps and constructed of a galvanised steel frame with brown composite decking

- boards and enclosed with tinted glass balustrade. The decking area is adjacent to a detached two-storey double garage, part converted as a residential annex.
7. Given its excessive height, the floor level of the decking appears at a similar height to the eaves of this two-storey building, with the height further exacerbated by the addition of the glazed balustrade panels on top. It towers above existing wooden garden structures, outbuildings and integrates poorly into the domestic setting. As the residential curtilage has a spacious and open feel the raised decking area appears in a prominent position and highly visible in the street scene, wider landscape and coastal setting of Conder Green.
 8. As such, due to the scale, excessive height and materials the development appears as a stark, dominant and incongruous structure within the appeal site to the detriment of the character and appearance of the immediate street scene and wider area.
 9. Furthermore, the existing vegetation which surrounds the deck, supporting structure and the moderately high retaining boundary wall along Corricks Lane, does little to prevent the adverse visual impact of the structure and deck area. It does not fit with similar architecture in the area and has little comparison to the metal bridge balustrade of the railway path. Overall, it appears as an obtrusive, alien feature when viewed against the backdrop of the agricultural land, open countryside to the north and from key views along the Glasson-Lancaster railway path. Moreover, I do not consider that additional clad, trellis or climbers would result in the structure being blended into its surroundings.
 10. Consequently, I conclude that the development causes significant harm to the character and appearance of the area. It is contrary to Policies DM29 and DM46 of A Local Plan for Lancaster District 2011-2031 Part Two: Review of the Development Management DPD, 2020 (DMDPD) and Policy EN3 of A Local Plan for Lancaster District 2011-2031 Part One: Strategic Policies and Land Allocations DPD, 2020. These policies, amongst other things protect the open countryside, require new development to make a positive contribution to the surrounding landscape, support development that is in scale and keeping with the landscape character and is appropriate to its surroundings; contribute positively to the identity and character of the area through good design.
 11. Also, it does not accord with Chapter 12 of the Framework in that it seeks the creation of high-quality, beautiful and sustainable buildings and places; good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design.

Living Conditions

12. Due to the height and position of the raised decking area in close proximity to the boundary with the neighbouring property at 'River Winds'. When stood on the raised deck platform it results in significant views into and across the garden area of 'River Winds'. Although, there is some vegetation along the raised embankment, this was relatively low set against the boundary fence, and the existing shed and tree did not prevent views across the majority of the garden area. There would be no adverse impact of overlooking directly into the

windows of 'River Winds', however this does not outweigh the significant impact of overlooking within the private garden of this property.

13. I acknowledge, that to alleviate this the appellant has put forward a planting scheme for new trees, trellis and climbers. Nevertheless, I have no evidence on the species of trees or climbers to be planted and without such detail, or certainty of the types or forms, these are likely to be small, lack in foliage particularly during the winter months, and could take many years to be well established to prevent any overlooking.
14. For the reasons given above, I conclude that the development causes unacceptable harm to the living conditions of the neighbouring occupier at 'River Winds', with particular regard to overlooking. It conflicts with Policy DM29 of the DMDPD, which amongst other things expects development to ensure there is no significant detrimental impact to amenity in relation to, privacy and overlooking.
15. Furthermore, the development is also at odds with the guidance in the Council's Householder Design Guide, 2014 that stipulates that raised decking, terraces, patios and balconies must be sited and designed to protect the privacy of neighbouring properties and their gardens, and that raised terraces where overlooking would be an issue will not be acceptable.

Other Matters

16. The appellant has referred to other developments and the standard and suitability of those in the local area. However, I do not have any precise details of these schemes, and it would appear from the photographs these are not comparable developments as they are not raised decking areas. In, any event the appeal is necessarily determined on its individual merits.
17. I have no evidence regarding any commercial use for the platform, and any other buildings within the vicinity of the appeal site that may require planning consent, would be a future matter for the council to investigate.

Conclusion

18. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

K A Taylor

INSPECTOR