



Appeal Decision

Site visit made on 22 March 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th March 2022

Appeal Ref: APP/P2935/D/22/3291783

7 East Burton Cottage, Bamburgh, Northumberland NE69 7AR

- 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 Sadiq Varris against the decision of Northumberland County Council.
 - The application Ref 21/02824/FUL, dated 7 July 2021, was refused by notice dated 7 December 2021.
 - The development proposed is installation of raised decking to part of side garden.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The raised decking has been installed and therefore I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect of the development on the living conditions of No 6 East Burton Cottage with regard to privacy.

Reasons

4. No 7 East Burton Cottage is a terraced property on a corner plot. The rear elevation of the property faces broadly south-west with ground floor living room and kitchen facing a good-sized garden and patio area. The gable elevation of No 7 faces a small side garden which is accessed via a single door from the living room.
5. The side garden, according to the existing ground floorplan/site plan, previously consisted of stairs to a raised, level area with a steeply graded embankment down to lower ground near to the house. The steps and raised area remain and provide access to an elevated decking space extending from the side wall across part of the former embankment.
6. No 6 East Burton Cottage's small rear garden adjoins the side area of No 7. The garden of No 6 slopes steeply. The property has a small seating area at low level accessed via patio doors from the dining kitchen and steps to a raised seating area, aligned approximately with the top of the embankment at No 7. No 6 has a first-floor bedroom window next to the joint boundary.
7. The decking area is set in from the boundary and is enclosed by wooden balustrading which is infilled with artificial greenery. There is sufficient distance

from the joint boundary to prevent users of the deck looking into the bedroom window of No 6. Nevertheless, the larger elevated decking area provides an alternative to the rear garden as an outside social space and the raised position and size of the space with panoramic views provides an attractive place to dwell. The occupation of the appeal property as a holiday let will likely intensify the use of the decking as a pleasant space for visitors to sit, socialise and appreciate the view.

8. Standing on the decking there is a clear view down to the back of No 6 and the lower seating area of No 6 has lost its seclusion. The use of the decking significantly increases overlooking into the private part of the garden of No 6 next to the house and will increase noise and disturbance due to the decking being elevated. Consequently, the decking is intrusive for the neighbour at No 6 and detracts from the living conditions of its occupiers.
9. The raised seating area at No 6 is a different size and shape and does not result in the same concerns as the appeal scheme. Particularly as No 7 has its main garden area away from the joint boundary. Further, because the decking is at the same level as the top of the external stairs, increasing the height of the fencing along the joint boundary or providing additional planting, would not overcome my concerns.
10. There is no evidence that the lack of raised decking has restricted the letting of the appeal property over the past 11 years of holiday let use. The views could still be enjoyed in the original arrangement with stairs to an extended level section at the top of the embankment.
11. Overall, the raised decking detracts from the living conditions of the occupiers of No 6 East Burton Cottage in conflict with Policy F4 of the Berwick-upon-Tweed Local Plan and Policy 5 of the North Northumberland Coast Neighbourhood Plan 2017 – 2032 Made Version (10 July 2018) where these policies seek to ensure that development accords with its surroundings and does not result in adverse amenity impacts to existing residents. It would also conflict with the National Planning Policy Framework where it seeks to create places that promote health and wellbeing with a high standard of amenity for existing and future users.

Conclusion

12. For the reasons given above, I conclude that the proposal conflicts with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR