



Appeal Decision

Site visit made on 4 July 2022

by John Felgate BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Levelling Up, Housing and Communities

Decision date: 12 July 2022

Appeal Ref: APP/W1715/D/22/3291186

50 Kingsfield Gardens, Bursledon, Hampshire SO31 8AY

- 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 Simon Theobald against the decision of Eastleigh Borough Council.
 - The application Ref H/21/91331, dated 17 August 2021, was refused by notice dated 18 November 2021.
 - The development proposed is described as: *"Raised decking area constructed of treated 90mm x 90mm posts joined by 6"x 2" treated wood and decked and clad with charcoal composite decking boards with a wood grain matt finish; the structure will be finished with a frameless glass balustrade"*.
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Decision

1. The appeal is dismissed.

Main issues

2. The main issues in the appeal are the effects on the character and appearance of the area, and on the privacy of neighbouring occupiers.

Reasons for decision

Character and appearance

3. Kingsfield Gardens is an estate of mid-20th century housing. The appeal property, No 50, is positioned sideways-on to the road. Its front elevation faces onto a shared walkway, serving a small group of properties which also includes Nos 44-49 Kingsfield Gardens. The front gardens of all this group are primarily open-plan in style, giving the impression of a single, unified green space between the dwellings on either side. Although No 50's front garden is partially enclosed by a wooden picket fence, this is low enough to maintain a degree of visual continuity with the other open frontages in the group. To the rear and side, the appeal property has a further, private garden area, enclosed by 1.8m high, close-boarded fencing.
4. The proposed decking would be sited to the front of the house. It would be a substantial structure, extending 1.96m forward by 3.48m wide, excluding the steps, and having a height of about 2m to the top of the balustrade. In this position such a development would encroach upon and dominate the open green space between the dwellings, harming the visual unity of the space and detracting from its openness. As such, the development would be an intrusive

and incongruous feature, at odds with the harmony of the estate's original layout.

5. The proposed development would therefore cause harm to the area's character and appearance. In this respect it would conflict with Policy 59.BE(i) of the Eastleigh Borough Local Plan Review 2006, which amongst other things requires developments to take account of the context of the site, and to be appropriate in mass, scale and layout.

Privacy

6. The proposed decking would be sited in close proximity to the main front windows of the adjoining property, No 49 Kingsfield Gardens. Given the amount of space that it would provide on its main platform, the deck would lend itself to being used for sitting-out. Whilst the angle of view towards No 49 would be oblique, such views would be unobstructed, due to the largely open-plan nature of the front gardens; and they would also be elevated, relative to the natural ground level. Consequently, the presence of persons on the proposed deck for any length of time would be likely to give the occupiers of No 49 a sense of being overlooked.
7. The proposed development would therefore be an unneighbourly feature, causing a perceived loss of privacy. As such, it would be contrary to the provisions of Policy 59.BE(vii), which requires schemes to avoid unacceptable impacts on neighbouring users.

Other matters

8. I can appreciate the appellant's desire for direct access from the property's living accommodation to the front garden. But this does not outweigh the harm that I have identified. I note that another property, elsewhere in Kingsfield Gardens, has a raised brick platform outside its front door, but I have no information as to the planning circumstances of that case. In any event, this does not alter my view as to the impact of the present appeal proposal.

Conclusion

9. For the reasons explained above, the appeal proposal would cause harm to the area's character and appearance, and to neighbours' privacy. The appeal is therefore dismissed.

J Felgate

INSPECTOR