The Planning Inspectorate

Appeal Decision

Site visit made on 17 May 2022 by Darren Ellis MPlan

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal Ref: APP/P4415/D/22/3293947
42 Watson Road, Kimberworth, Rotherham, South Yorkshire S61 1JT

- 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 Tracey Hercock against the decision of Rotherham Metropolitan Borough Council.
- The application Ref RB2021/1942, dated 15 July 2021, was refused by notice dated 6 December 2021.
- The development proposed is the installation of 3 wooden decking areas.

Decision

1. The appeal is allowed and unconditional planning permission is granted for the installation of 3 wooden decking areas at 42 Watson Road, Kimberworth, Rotherham, South Yorkshire S61 1JT in accordance with the terms of application ref: RB2021/1942, dated 15 July 2021.

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.

Preliminary Matters

3. The description of development on the application and appeal forms includes the appellant's justification of the development. In the interests of conciseness I have excluded these details from the description of development above, which accurately and fully describes the proposal.

4. The decking that is the subject of this appeal has already been constructed in accordance with the submitted plans. I have dealt with the appeal on that basis.

Main Issue

5. The main issue is the effect of the development on the living conditions of the occupiers of 38 and 40 Watson Road and 408 Wortley Road, with particular regard to privacy.

Reasons for the Recommendation

6. The appeal site comprises a detached two-storey semi-detached dwelling in Watson Road. The properties along this stretch of Watson Road have long rear gardens, on a steep slope down to the rear of the properties situated on

Wortley Road. The boundary treatments between the properties on Watson Road and Wortley Road comprise boundary fences, hedges and trees. While the vegetation provides screening between some properties, there is a gap in this landscaping along the boundary between the appeal site and 408 Wortley Road.

7. The three areas of decking are close to ground level at the upper ends but significantly raised above the slope at the lower ends of each deck. Each level provides clear views into the gardens of Nos 38 and 40. There are however relatively low boundary fences between the properties, so it is possible to look over them and see into the neighbouring gardens from ground level throughout the garden, as well as from the existing patio areas at the top and bottom of the slope. Consequently, the decking does not result in materially greater overlooking of those properties than would have been possible without it.

8. The decking also provides views down into the rear windows of No 408 and parts of its garden from an elevated position. The lowest deck area is quite close to the boundary, providing the closest views but with the least height difference. The development therefore provides more locations from which people could sit out and look towards the windows and garden of No 408. However, it is unlikely that all of these would be used at the same time.

9. Similar views of No 408 are possible from the patio directly behind the appeal property from greater elevation than any of the decking areas, and from the lower patio which is even close to the shared boundary than the lowest deck. Neither of those patios are part of the development before me, and the Council has not indicated that they are unauthorised development. Furthermore, No 44 has terraced patio areas which also provide views down towards No 408 through the gap in the vegetation. Therefore, there is already considerable overlooking of that property.

10. I appreciate the concerns of the occupiers of No 408 and that they feel uncomfortable given the opportunities available for their property to be overlooked from those in Watson Road. However, from the evidence before me I consider that the decking has not significantly increased the degree of overlooking of No 408 compared to what would have been possible previously, and what would still be possible even if the decking were removed. In addition, I saw on site that tree and shrub planting had taken place along the rear boundary of the appeal site, which will provide some screening in the future.

11. Accordingly, when taking into account the degree of overlooking already possible even without the decking, I find that the development has not and will not adversely affect the living conditions of the occupiers of Nos 38, 40 and 408 in respect of privacy. I therefore find no conflict with Policy SP55 of the Rotherham Local Plan Sites and Policies (June 2018) insofar as it requires development to create decent living environments and not adversely affect the amenity of any land use.

12. Nor do I find conflict with the National Planning Policy Framework which requires development to provide a good standard of amenity for existing and future users. Furthermore, the proposal complies with section 1.3 of the Rotherham Local Plan Householder Design Guide Supplementary Planning Document which requires that decking and balconies do not cause an unacceptable loss of privacy.

Other Matters

13. While large features, areas of deck are not unusual in a residential environment, particularly in this location where other properties have terraced gardens in various forms. Therefore, they do not harm the character or appearance of the area.

14. The potential effect of a development on property value or when a neighbour attempts to sell their house in the future is not a planning consideration and therefore is not a matter that I can take into account when considering this appeal.

Conditions

15. The decking has already been constructed in accordance with the submitted plans and details and so no conditions are necessary.

Conclusion

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed and planning permission granted unconditionally.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal and grant planning permission unconditionally.

L McKay

INSPECTOR