

Appeal Decision

Site visit made on 31 October 2022

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 28th November 2022

Appeal Ref: APP/R3650/D/22/3298459
2 Knoll Wood, Knoll Road, Godalming GU7 2EW

- 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 Bagley against the decision of Waverley Borough Council.
 - The application, Ref. WA/2021/02203, dated 13 September 2021 was refused by notice dated 16 February 2022.
 - The development proposed is the construction of a skateboarding ramp (retrospective).
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the use of the skateboarding ramp on the living conditions as regards privacy, and noise and disturbance for the occupiers of the adjoining properties at Nos. 1 and 3 Knoll Wood.

Reasons

3. I saw on my visit that the ramp has been constructed on a lower level terrace in a steeply sloping garden of a substantial size. The neighbouring gardens have a similar gradient and there is boundary planting along the side boundaries.
 4. The Notice of Refusal refers to 'loss of privacy' and 'overlooking' as if they were separate issues. However, it is overlooking (if and when it occurs) that often results in a loss of privacy and I therefore consider these matters are one and the same. As regards the actual effect, the height of platform at each end of the ramp is not so different from the level of the narrower terraces as they descend the garden and it is conceivable that a differently stepped terrace could achieve a similar level as the platforms.
 5. There is also boundary vegetative screening to both sides of the garden, which could be increased if necessary including by means of a condition. Furthermore, the platform is only used as a means to participate in the skateboarding and it would be reasonable to assume that any engagement in this activity would be inconsistent with a propensity to look over the boundaries. Overall, I do not consider any actual or perceived loss of privacy is sufficient to warrant preclusion of the skateboarding ramp.
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6. In respect of noise and disturbance, it is clear that the appellant has made considerable efforts in terms of the equipment's construction and materials to reduce the effect on the neighbours. There were also amendments to the skate equipment. The Council accepts that this has improved the situation but not by enough to avoid a nuisance, and this is supported by neighbours who refer to being adversely affected by the noise of both the rolling of the wheels and the impact of landing on or departing from the platforms. Complaints are also made as to vibrations arising from this activity.
7. As the Council points out, the equipment is large for a domestic setting and the noise is not of a type or character that an adjoining residential occupier might reasonably expect, or be able to adjust to when at home. A lawnmower, loud music and children at play may well at times be noisier, but would for the most part be occasional than regular and therefore more tolerable. By way of contrast, the use of the equipment by a skateboard enthusiast would be more probable on a day to day basis than only occasionally. In this context, I therefore give weight to the detailed description of the neighbours as to the use of the skateboarding ramp's effect on their amenity and ability to work from home, with the noise of impact particularly causing disturbance to an unreasonable degree.
8. The noise measurements taken by an Environmental Health Officer ('EHO') on a visit to the house and to No. 3 appear favourable to the appellant's case but have not persuaded the Council that there would not be unacceptable noise and disturbance for the neighbours at this property. Having read the latter's representations, I do regard their objections as being both credible and reasonable. The likelihood is that, if approved, there are too many variables in terms of the ramp's future use that would bear on the degree of noise and disturbance. Accordingly, I too am not convinced that a single visit by an EHO resulting in an acceptable noise level can necessarily outweigh the likely overall ongoing adverse effect on neighbours' day to day living conditions.
9. The appellant appears to accept that the harmful effect is sufficient to justify the activity being limited to specific periods and considers that a condition to require this would be enforceable. However, I agree with the Council that other than the imposition of a restriction between 2000 and 0800 hours, such a condition is not practicable. In any event, if as is likely the noise has the effect complained of, it would still cause an unacceptable loss of amenity during the limited periods.
10. I have some sympathy with one or more members of the appellant's family being unable to pursue an activity associated with fitness and skill in their home environment. However, from my inspection of the skateboarding ramp and its setting and the balance of evidence in the representations I conclude that the retention of the equipment and its future use would have an unacceptable impact on the living conditions as regards noise and disturbance for neighbouring occupiers, in particular at No. 3 Knoll Wood.
11. As a consequence, although I have found in the appellant's favour in terms of the effect on privacy, this does not outweigh the harmful conflict with the Council's policies, more particularly Policies D1(c) & D4(c) of the Waverley Borough Local Plan 2002 and paragraph 130f) of Government policy in the National Planning Policy Framework 2021.

Other Matter

12. The appellant has also based his appeal on the length of time taken to determine the application. This may well have been in large part due to Covid-19, but in any event this delay would not be material to my appraisal and decision in terms of the planning merits of the proposal.

Conclusion

13. For the reasons explained above and having had regard to all other matters raised, the appeal is dismissed.

Martin Andrews

INSPECTOR