



Appeal Decision

Site visit made on 20 December 2022

by Helen Davies MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th January 2023.

Appeal Ref: APP/X0360/D/22/3308609

112 Silverdale Road, Earley, Wokingham RG6 7LU

- 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 Zahir Butt against the decision of Wokingham Borough Council.
 - The application Ref 221380, dated 6 May 2022, was refused by notice dated 21 July 2022.
 - The development proposed is described as "Retrospective erection of decking area".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission has previously been granted for the dwelling to be extended. The Council state that the extension has not been built in full accordance with the approved plans and that further works not covered by the permission have also taken place. The appellant has acknowledged that the extension as built is slightly higher than approved. The application subject to this appeal is one of a number of applications seeking permission for works at the site, some of which has already been undertaken. The scope of the application subject to this appeal, and hence the scope of this appeal, is limited only to an area of raised decking. Any other works, including any changes to original ground level, are not considered under this appeal.
3. At the time of my site visit, an area of raised decking, with screening to the sides, had been erected on site. The location, dimensions and design of the decking and screening erected on site approximate those shown in the submitted drawings. Notwithstanding what has been erected on site, this appeal has been determined on the basis of the submitted drawings.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupants of 110 and 114 Silverdale Road, with regard to privacy.

Reasons

5. 112 Silverdale Road is a semi-detached dwelling in a residential area. The raised decking is attached to an extension to the rear of the dwelling, at the same height as the internal floor level. It extends across the width of the dwelling, up to the boundary with the adjoined dwelling at 114 Silverdale Road. The decking is set off from the boundary with 110 Silverdale Road by a modest

amount. The decking is accessed directly via doors to the rear of the dwelling as well as via steps to the side nearest No 110 which provide access between the decking and the garden. Slatted wooden screens have been erected along both sides of the raised decking but the section where the steps meet the decking, adjacent to the rear elevation, is unscreened.

6. From the end of the decking, looking over the balustrade, views can be gained into the gardens of No 110 and 114. These views are predominantly of the middle and ends of the neighbouring gardens which are already overlooked by the rear windows at the appeal site. The level of overlooking from the balustrade is reduced to some extent by the slope of the ground and the presence of planting. However, there is no way to ensure that planting at neighbouring properties is retained and overlooking from a raised outside area can feel more intrusive than overlooking from a window.
7. The parties agree that the area of garden closest to a dwelling is where privacy is to be expected and is hence most sensitive to overlooking. The screens along either side of the raised decking provide some mitigation against direct overlooking into the area of garden nearest the house at No 114 and 110. Notwithstanding this, the slatted nature of the screens means that overlooking is still possible between the slats. More significantly, the gap in the screen where the steps meet the decking allows for direct and unscreened views, at a relatively short distance, into the garden area of No 110 closest to the dwelling, as well as into the rear living space. This level of overlooking would have a significant negative impact on the privacy enjoyed by the occupants of No 110, both inside and outside, reducing their quality of life.
8. The appellant has suggested that they would be willing to incorporate frosted glass screening, permanently secured to the decking structure. Whilst this would better protect neighbouring privacy than the slatted screens currently installed, significant overlooking would still be possible from the gap in screening at the steps, as well as from the balustrade at the end of the decking. Therefore, using a condition to secure glass screening, or another form of solid screening, would not overcome the harm caused by overlooking, and would create new issues regarding the visual impact of the screens.
9. Several issues have been raised regarding ground levels at the site. Regardless of whether the ground level has been changed, raised decking which projects for around 4 metres from the rear elevation, at the same level as the internal floor of the extension, would allow for significant overlooking into both No 110 and 114.
10. I conclude that the development causes significant harm to the living conditions of the occupants of 114 Silverdale Road and harm to the occupants of 110 Silverdale Road, with regard to privacy. Consequently, the development would not comply with Policy CP3 of the Wokingham Borough Core Strategy (2010), which amongst other things, seeks to ensure that development is of a high quality of design without detriment to the amenities of adjoining occupiers and their quality of life. Furthermore, it would not accord with the National Planning Policy Framework which seeks to ensure that new development is appropriate for its location, taking into account the likely effects on living conditions.

Other Matters

11. The appellant has stated that the decking being level with the inside space provides for disabled access to outside space for their elderly parents. While I acknowledge the desire of the appellant to provide this functionality, it does not outweigh the harm I have identified.
12. I note that No 110 has a patio area next to the rear of the dwelling. This is of a very modest height and does not change my reasoning as set out above.

Conclusion

13. For the reasons given above and taking into account the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

Helen Davies

INSPECTOR