



Appeal Decision

Site visit made on 16 January 2023

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 February 2023

Appeal Ref: APP/C1760/D/22/3308604

Green Gables, 1A Ferndale Road, Andover, SP10 3HQ

- 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 Zydrunas Bakanavicius against the decision of Test Valley Borough Council.
 - The application Ref 22/01520/FULLN, dated 9 June 2022, was refused by notice dated 29 July 2022.
 - The development proposed is gates and fence to front and sun deck over garage.
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Decision

1. The appeal is dismissed insofar as it relates to the gates and fence to front. The appeal is allowed insofar as it relates to the sun deck over garage and planning permission is granted for a sun deck over garage at Green Gables, 1A Ferndale Road, Andover, SP10 3HQ in accordance with the terms of the application Ref 22/01520/FULLN, dated 9 June 2022, and the plans submitted with it, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans, **insofar as they relate to the sun deck only**: Location Plan – PP 001, Floor Plans as Existing – PP 010, Elevations as Existing – PP011, Floor Plans as Proposed – PP 020, Proposed Elevations and Schedule of Materials – PP 021 and Street Elevation as Existing and Proposed – PP 030.
 - 2) Within 3 months of the date of this decision, the 1.8m high frosted glazed screen along the eastern edge of the first-floor sun deck (facing the rear of properties along Mylen Road), as shown on the submitted plans, shall be erected. It shall be retained at all times at a height of 1.8m and fitted at all times with privacy level 4 or above (Pilkington scale) glazing.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the streetscene.

Reasons

3. The appeal property is a detached dwelling, which is situated in a residential area. In contrast to other dwellings along Ferndale Road, the appeal property is a more modern dwelling (1960's) and, as such, it has a different character

and appearance in comparison to the others. However, a common and predominant characteristic of the streetscene is that the front gardens have either open frontages or are partially enclosed by low walls or fences. This gives a relatively spacious appearance to the area, notwithstanding the presence of parked vehicles. An exception to this is the side brick wall and garage of number 34 Mylen Road, which is a corner plot and which adjoins the boundary of the appeal property. Other corner plots in the area also have taller fences, which screen their side/rear gardens. These are locations where that type of boundary treatment would normally be expected.

4. The proposal is to retain a sun deck at first-floor level, above an existing side attached garage and fencing and gates along the front boundary of the property. The proposal for the sun deck includes a 1.8m high obscure glazed screen along the eastern edge of the deck, where it adjoins the rear gardens of neighbouring dwellings on Mylen Road. This would replace an existing lower 1.1m high screen.
5. The gates and fencing are 1.8m high and constructed of a composite material in a light grey colour. The proposal is to amend the appearance of the existing fence by replacing some of the solid boards at the top of the structure with slats. The gates across the driveway entrance would remain solid.
6. Policy E1 of the Revised Local Plan for Test Valley (LP) seeks to ensure that new development is of high quality in terms of design and local distinctiveness. This accords with Paragraph 130 of the National Planning Policy Framework 2021 (The Framework), which requires planning decisions to ensure that developments add to the overall quality of the area, are visually attractive and sympathetic to local character. The Council contends that the proposal would be a prominent and incongruous feature and would conflict with Policy E1.
7. Regarding the sun deck, I do not share the Council's view that it is harmful and out of keeping. Whilst there does not appear to be any similar sun decks along Ferndale Road, the appeal property is of a different design and era in comparison to the others. As such, it already stands apart from the other dwellings. The area of sun deck at the front (which is visible from the street) is a mixture of open railings and a low glazed screen. It is set-back from the road frontage and, in my opinion, it does not appear intrusive or harmful in the streetscene.
8. Concerns were raised by neighbours regarding overlooking from the sun deck into their gardens and dwellings. The appellant has sought to address these concerns by proposing the 1.8m high obscure glazed screen along the side of the deck. I consider that this will satisfactorily overcome the objections and I note that the Council considers likewise. Accordingly, this can be the subject of a condition.
9. In respect of the gates and fence, I accept that side wall and garage of number 34 Mylen Road is of a similar scale to the fencing and gates. However, the red brick construction is part of the traditional character of the area, whereas the light grey composite material used in the appeal gates and fencing appears incongruous and at odds with its surroundings. Whilst I acknowledge that replacing some of the panels with slats would have some effect on its appearance, I am not persuaded that this would be sufficient to make the development acceptable, as its overall height would still be out of keeping.

10. Consequently, for the above reasons, I consider that the proposed gates and fencing would be harmful to the character and appearance of the streetscene. Therefore, this part of the proposal conflicts with Policy E1 of the LP and with the provisions of The Framework, as referred to above.

Conditions

11. The Council has suggested conditions in the event of the appeal being allowed. As the sun deck is already in use, there is no requirement for the standard condition relating to the commencement of the development. I have imposed a condition listing the approved plans, insofar as they relate to the sun deck only.
12. In addition, I have imposed a condition that requires the erection and retention of the 1.8m high obscure glazed screen along the eastern boundary of the sun deck. This is necessary to maintain the privacy of the occupiers of dwellings along Mylen Road. The appellant has agreed to the wording of the condition.

Conclusion

13. For the reasons given above, I conclude that the appeal is allowed in relation to the sun deck. Regarding the proposed gates and fence, the appeal is dismissed.

Ian McHugh

INSPECTOR