

Appeal Decision

Site visit made on 15 March 2023

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3RD March 2023

Appeal Ref: APP/X1735/D/22/3313638

13 Pennant Hills, Havant, Hampshire PO9 3JZ

- 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 Stephen Ponsford against the decision of Havant Borough Council.
 - The application, Ref. APP/22/00554, dated 30 May 2022 was refused by notice dated 3 October 2022
 - The development proposed is the construction of a raised terrace/deck and screening to the rear elevation (retrospective application).
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Decision

1. The appeal is allowed and planning permission is granted for the construction of a raised terrace/deck at 13 Pennant Hills, Havant, Hampshire in accordance with the terms of the application, Ref. APP/22/00554, dated 30 May 2022 and subject to the condition that the decking shall be carried out and retained in accordance with the following approved plans: Site Location Plan; Block Plan & Decking Plan.

Main Issue

2. The main issue is the effect of the raised terrace/deck on the living conditions as regards privacy for the occupiers of the neighbouring properties at Nos. 12 and 14 Pennant Hills.

Reasons

3. I saw on my visit that the rear gardens of the properties on this side of Pennant Hills are at a lower level than the rear doors of the dwellings, thereby necessitating some sort of stepped access down from the house to the garden. The appellant has referred to other examples nearby at Nos. 11, 12 & 14 where, as in his case, this access has been incorporated into a larger decking area.
 4. In part, the appellant's decking at No. 13 forms an area close to the boundary with No. 14 (to the east) that links the back door to the steps down into the garden and also provides a storage area for potted plants and garden paraphernalia. The appellant has erected adjacent to this area a wooden fence on the boundary with No. 14 and this effectively precludes looking down to the lower level of the part of this neighbour's garden closest to their house. The grounds of appeal also refer to the original complainant at No. 14 as having moved house and that there is no objection from the new neighbours.
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5. Whilst this is not confirmed by any other appeal evidence, in Appendix F to his appeal statement the appellant has provided a pre-decking photograph that shows before its construction and the erection of the adjoining boundary wooden fence, there was a clear view down into the garden of No. 14 from the concrete steps adjacent to the appeal dwelling's back door. The effect of the decking and its associated fence therefore appears to have remedied this overlooking problem rather than having caused it. Although there remains an oblique view into the part of No. 14's garden closest to No. 13, this is occupied by a large pergola and a fish pond and appears unlikely to be a sitting out or active amenity area for the residents of No. 14.
6. From this corner position at the rear door there is decking along No. 13's rear wall of a width no more than needed for access to the decking's larger sitting out area nearer to No. 12. This extends further out into the garden and does provide views towards No. 14, but with an oblique line of sight from a greater distance. And together with the presence of a boundary fence as well as No. 14's pergola, there are no intrusive views that would result in a meaningful loss of privacy.
7. From the main sitting out area there are views towards the rear garden of No. 12 on the western side of the appeal dwelling. However, the combination of a wooden shed in the rear garden of No. 12 and the addition by the appellant of a horizontal wooden screen along the top of the boundary fence between Nos. 13 and 12 entirely prevents views from the decking into this neighbour's garden.
8. There is also a complaint from an occupier in Woodville to the rear of No. 13's garden regarding the removal of a mature hedge. However, even though my site visit was in winter with the absence of leaf cover there were no meaningful views into this garden.
9. Overall, I conclude that there is no unacceptable loss of privacy for the occupiers of Nos. 12 and 14 Pennant Hills as a result of the decking at No. 13. There is therefore no conflict with Policy CS16 of the Havant Borough Local Plan (Core Strategy) 2011 or with Government policy in paragraph 130f) of the National Planning Policy Framework 2021.
10. I shall therefore allow the appeal. The Council's Questionnaire suggests a condition requiring a new fence on the boundary with No. 12, but as indicated above it would appear that this additional screening has already been put in place. However, a condition formally linking the development with the approved plans is needed for the avoidance of doubt and is in the interests of proper planning.

Martin Andrews

INSPECTOR