
Appeal Decision

Site visit made on 23 November 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th November 2023

Appeal Ref: APP/P2114/D/23/3323251

54 Long Lane, Newport, Isle of Wight PO30 2NQ

- 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 L Marwaha against the decision of the Isle of Wight Council.
 - The application Ref: 23/00319/HOU, dated 20 February 2023, was refused by notice dated 17 April 2023.
 - The development is for proposed decking.
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Decision

1. The appeal is allowed and planning permission is granted for proposed decking at 54 Long Lane, Newport, Isle of Wight PO30 2NQ in accordance with the terms of the application Ref: 23/00319/HOU, dated 20 February 2023, and the plans submitted with it (436/01, 436/02, 436/03C, 436/04A), subject to the following conditions:

1) Unless within 3 months of the date of this decision a landscaping scheme is submitted in writing to the local planning authority for approval, and unless the approved details are implemented within 3 months of the local planning authority's approval, the development shall be removed.

The landscaping works shall be carried out in accordance with the approved details, and with the agreed implementation programme. The completed soft landscaping scheme shall be retained for the lifetime of the development. Any trees or shrubs which die, or are damaged, removed or seriously diseased shall be replaced by those of a similar size and species to those originally planted.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

2) The decking hereby permitted shall not be first used until the privacy screen at the end of the terrace shall have been completed in accordance with details shown on drawing no. 436/04A. The privacy screen shall thereafter be retained as such thereafter.

Preliminary Matters

2. At my site visit, I saw that the development is nearing completion and I note that the application has been submitted retrospectively. I have dealt with the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of neighbouring houses, principally 52 Long Lane, with regard to privacy and outlook.

Reasons

4. The appeal site comprises a detached bungalow on Long Lane in a row of properties of broadly similar size and design. On the opposite side of the road is open countryside.
5. Given the fall in topography towards the neighbouring dwelling at 52 Long Lane, the raised decking is readily apparent from the adjacent rear garden over the intervening closeboard fence. The development is constructed from wood of a light brown colour, matching the existing fencing on site and in the surrounds.
6. There is presently a degree of overlooking between the appeal dwelling and the adjacent bungalow at 52 Long Lane as a result of the installation of the decking. Nevertheless, subject to the completion and retention of the privacy screen that has been constructed as part of the development, together with planting along the boundary between the curtilages, to my mind there would be no detrimental loss of privacy to the rear garden of the neighbouring property.
7. The soft landscaping and distance from the decking to the common boundary would also serve to minimise the effect of the scheme on no.52 in terms of outlook. It would not therefore appear overly dominant or prominent, thus avoiding any adverse visual intrusion.
8. On this basis, I conclude that the proposal would not result in harm to the living conditions of the occupiers of 52 Long Lane with regard to privacy and outlook. It would be compliant with policy DM2 of the Island Plan Core Strategy 2012, which requires new development to have regard to adjacent buildings and be appropriately landscaped. The proposal is also consistent with the advice in the National Planning Policy Framework which seeks to ensure safe and healthy living conditions.

Conditions

9. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. As the development is nearing completion the standard time limit and plans condition are no longer necessary, although I have listed the application drawing numbers in my decision so it is clear what was submitted.
10. Conditions requiring the completion and retention of the privacy screen and the submission of a landscaping scheme are necessary to ensure that the proposal protects the living conditions of the occupants of 52 Long Lane. Given the importance of the landscaping scheme I consider it to be necessary for the lifetime of the development.

Conclusion

11. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

C Hall

INSPECTOR