



Appeal Decision

Site visit made on 18 April 2024

by D Cleary MTCP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10.05.2024

Appeal Ref: APP/F4410/D/24/3338231

8 Stentons Terrace, Mexborough, South Yorkshire S64 0EJ

- 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 E Davidson against the decision of the City of Doncaster Council.
 - The application Ref: 23/01977/FUL, dated 04 September 2023, was refused by notice dated 07 December 2023.
 - The development proposed is to remove conservatory, and erect a two-storey extension to lower ground and ground floor including raised decking.
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Decision

1. The appeal is allowed and planning permission is granted to remove conservatory, and erect a two-storey extension to lower ground and ground floor including raised decking at 8 Stentons Terrace, Mexborough, South Yorkshire S64 0EJ in accordance with the terms of the application, Ref: 23/01977/FUL, dated 04 September 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans referenced: 23/09/01/001 – As Existing Location Plan; 23/09/01/002 – As Existing Site Plan; 23/09/01/003 – As Existing Foundation and Lower Ground Floor Plans; 23/09/01/004 – As Existing Ground and First Floor Plans; 23/09/01/005 – As Existing Rear Elevation-South; 23/09/01/006 – As Existing Side Elevations; 23/09/01/007 – As Existing Cross Section; 23/09/01/013 – Removals Foundation and Lower Ground Floor Plans; 23/09/01/014 – Removals Ground and First Floor Plans; 23/09/01/015 – Removals Rear Elevation-South; 23/09/01/016 – Removals Side Elevations; 23/09/01/017 – Removals Cross Section; 23/09/01/023 – Proposals Foundation and Lower Ground Floor Plans; 23/09/01/024 – Proposals Ground and First Floor Plans; 23/09/01/025 – Proposals Rear Elevation-South; 23/09/01/026 – Proposals Side Elevations; and, 23/09/01/027 – Proposals Cross Section.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to the installation of the decking, details of the design of a privacy screen to be installed along the boundary of the decking facing towards No.7 Stentons Terrace, shall be submitted to, and approved in writing by, the Local

Planning Authority. Prior to first use of the decking, the privacy screen shall be installed in accordance with the approved details and shall thereafter be retained.

Procedural Matters

2. Since the decision was made by the Council, a revised version of the National Planning Policy Framework (the Framework) was published (19 December 2023). This does not materially change the planning policy context in respect of the main issue.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring properties with particular regard to overlooking and noise/disturbance.

Reasons

4. The appeal dwelling is a mid-terraced property located within Stentons Terrace. Stentons Terrace is a closeknit row of 10 dwellings which are set within narrow and linear plots, with small yards to the front and longer gardens to the rear. The side boundaries of the rear gardens generally consist of low-level fencing. Three properties within the row of terrace, including No.7 Stentons Terrace (No.7), have raised platforms and external seating areas attached to their rear elevation, while other properties have Juliette balconies. The appeal dwelling has a small conservatory at upper ground level. Part of the rear garden of No.9 Stentons Terrace (No.9) is covered by an open sided outbuilding.
5. Stentons Terrace is unusual insofar as the ground floor level is at a higher level than the rear gardens. Therefore, ground floor rear doors and windows to the properties are set at a higher level than the rear garden level. The close relationship between the properties, along with the low-level boundaries, means that properties have clear views over the adjoining rear gardens, from access steps, Juliette balconies or existing raised platforms. Furthermore, a communal access runs immediately to the rear of the properties, which I understand provides a right of passage for all dwellings. Together, I consider that these factors result in a rear aspect whereby the existing level of privacy enjoyed by all occupants is limited.
6. The appeal proposes the construction of an extension, with a raised deck projecting from its rear into the garden. The decking would be set in from the side boundaries, but would project above the height of existing fences. No.7 has an open sided raised platform to its rear which is built up to the boundary of the appeal site. The proposed raised deck would have direct views towards this area of amenity space resulting in a loss of privacy to occupiers of that property. There would also be views across the wider garden of No.7.
7. The extent of overlooking to the adjacent platform could be reduced by the provision of a privacy screen. Such a screen, provided it is of sufficient height and opacity, would address the concern with regard to overlooking towards No.7. I am satisfied that such a screen could be provided without resulting in other knock-on design and amenity issues due to the likely modest nature of any addition, along with its spacing from the neighbouring property. Furthermore, given the existing limited level of privacy that occupants of

Stentons Terrace have, I do not consider that wider views across the rear garden or No.7, or other properties beyond, would be so significant to adversely affect living conditions.

8. To the rear of No.9 is a garden structure, which is positioned close to the rear elevation of that property and occupies a large area of the garden. The siting of this structure, close to the proposed decking, is such that initial views from the decking would be towards its roof. Furthermore, due to its siting and coverage, the structure would impede views from the decking towards much of the rear garden of No.9. Therefore, the effect from overlooking on the rear garden of No.9 would not be significant.
9. It is likely that the decking would be used as primary external space and, as such, there would be no barrier to the transmission of noise. However, the row of terrace is tightknit and the existing boundaries at ground level are low in height. Furthermore, the passage to the rear of the properties has an existing potential to result in activity close to the dwellings. Together, these factors mean that there is a potential for activities from the appeal site to be seen and heard by the occupants of adjoining properties, as existing. Therefore, while in an elevated position, the effect of any noise or disturbance from the decking is unlikely to be any more harmful than that arising from activities at garden level.
10. The Council suggest that the platform at No.7 has been erected without the benefit of planning permission. There are other dwellings within the terrace which also have raised platforms and these appear to be of varying age. However, I cannot be certain whether any of these raised platforms are lawful. Nonetheless, as I observe above, I consider Stentons Terrace to have a unique interrelationship between its neighbours which results in a low base-line level of privacy enjoyed by the occupants of all properties. This is irrespective of the presence of any raised terrace. Therefore, I do not consider the lawfulness of any of these structures to be a determinative factor in this instance.
11. I conclude that the development, would not have an unacceptable effect on the living conditions of the occupiers of neighbouring properties with regard to noise and disturbance. The development would have an unacceptable effect on the living conditions of occupiers of the No.7 with particular regard to overlooking. However, I am satisfied that issue could be satisfactorily addressed through appropriate mitigation. Therefore, subject to conditions, the development would comply with Policy 44 of the Doncaster Local Plan 2021, and advice contained within the Framework. Together, these seek to protect existing amenity and not significantly impact on the living conditions of neighbours.

Conditions

12. I have imposed standard conditions relating to the commencement of development, and to require compliance with the submitted plans for certainty. A condition requiring the development to be constructed from materials to match the existing dwelling is also necessary in the interest of character and appearance.
13. A condition requiring details of a privacy screen to be submitted for approval by the Council, is considered to be necessary to address the main issue with

regard to privacy, and I am satisfied that this meets the relevant tests for conditions.

Conclusion

14. For the above reasons, I conclude that the appeal should be allowed.

D Cleary

INSPECTOR