



Appeal Decision

Site visit made on 10 September 2024

by Rebecca McAndrew, BA Hons, MSc, PG Dip Urban Design, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/C1625/D/24/3339093

Farm Lodge, Redhouse Lane, Westrip, Stroud, Gloucestershire GL6 6HA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Richard Matthews against the decision of Stroud District Council.
 - The application Ref is S.23/2328/HHOLD.
 - The development is the erection of decking.
-

Decision

1. The appeal is allowed and planning permission is granted for the erection of decking at Farm Lodge, Redhouse Lane, Westrip, Stroud, Gloucestershire GL6 6HA in accordance with the terms of the application, Reference S.23/2328/HHOLD, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the approved plans: site location plan, proposed site plan and drawing ref DECKING-VJM
 - 2) Within 2 months of the date of this decision, a scheme for the provision of landscaping and any required interim screening measures along the decking boundary with neighbouring properties in Perry Orchard shall be submitted to the local planning authority for written approval.

This shall include a full specification of all planting proposed, including quantity, size, species and positions of all specimens to be planted, how they will be planted and the proposed timing of planting. The scheme shall also include a schedule of landscape maintenance and provisions for replacement planting should establishment fail. Timescales for the installation and removal of any required interim measures shall also be provided. The approved details must be implemented, and the landscaping shall be maintained and retained in accordance with the approved details.

Procedural Matters

2. I have taken the description of development in the banner heading above directly from the Council's Decision Notice. This is more succinct than that set out on the planning application form.
3. The appellants' Statement of Case indicates that they no longer wish to seek planning consent for the white sheet material screen referred to in the Council's

reason for refusal. This screen has been removed from the site. Therefore, I have not considered this structure as part of the appeal.

Main Issues

4. The main issues are;

- i. The effect on the living conditions of neighbouring occupiers, of Nos 15 and 17 Perry Orchard, with regards to privacy and outlook; and
- ii. The effect on the character and appearance of the area.

Reasons

Living Conditions

5. Policies CP14(7) and ES3(1) of the Stroud District Local Plan (2015) (LP) seek to protect the living conditions of neighbouring occupiers, in terms of both loss of privacy and overbearing effect.
6. The decking occupies a corner of the appellants' garden, adjacent to the boundary with Nos 15 and 17 Perry Orchard. The structure sits at a higher ground level than the adjacent gardens, with direct views into both neighbours' private garden areas and to upstairs windows. Given the size and location of the decking, it is likely to be well-used. On this basis, there would be an unacceptable level of overlooking of neighbouring occupiers from the decking area without any measures being implemented to protect privacy.
7. The appellants suggest a number of evergreen landscaping options which could provide screening between the decking and neighbouring properties. Whilst there is currently inadequate space to accommodate boundary planting, they advise the decking could be 'trimmed' if necessary to secure this. A landscaped boundary would reflect the character and scale of adjacent hedgerows and vegetation and respond to the rural character of the site and area. As such, it would not harm the outlook of neighbours and is acceptable in principle.
8. I recognise that a landscaped boundary could take some time to establish. However, mature specimens could be used to create a reasonable cover from the outset and a sensitive interim screen solution may be necessary. Although temporary in nature, the wooden fencing roll which is currently in position is simple in design and is made of a natural material which is muted in colour. It therefore provides sensitive and unimposing screening which, unlike the previous white screen, sits comfortably within the area and as such does not appear as overbearing or harm the outlook of the neighbouring occupiers. In view of this, I am satisfied that an acceptable interim screen solution could be secured if required.
9. Taking all of the above into account, a landscaped boundary with, if necessary, a sensitive interim screen would safeguard the privacy and outlook of neighbours. I am satisfied that the full details of this could be agreed by condition. Subject to this condition, the development would not harm the living conditions of neighbouring occupiers. Therefore, there is no conflict with LP Policies CP14(7) and ES3(1).

Character and Appearance

10. LP Policies HC8(1) and CP14(5) seek to secure good quality design which positively responds to its surroundings.
11. The Council's Officer Report confirms that the decking structure itself is an appropriate design for a residential garden and therefore does not harm the character and appearance of the site. Based on my observations on site and my review of the relevant development plan policies, I agree with the Council's assessment in this respect.
12. A green landscaped boundary, as discussed above, would respond positively to the verdant character of the area and would sit comfortably within the garden and wider landscape. I am also satisfied that, if an interim measure is required, an unimposing screening, such as the wooden fencing roll that is currently in position, would reflect the rural character and appearance of the area.
13. In view of the above, subject to a condition to secure a boundary screening details, the appeal scheme would not unduly harm the character and appearance of the site or area. Therefore, there is no conflict with LP Policies HC8(1) and CP14(5).

Other Matters

14. I have considered a number of issues raised by a neighbour in respect of the appeal scheme. I note concerns that use of the decking area may cause disturbance to neighbouring occupiers. However, this would be controlled by separate environmental health legislation.
15. Concerns are raised regarding the appropriateness of the decking design and materials used within the curtilage of the grade II listed property. However, I agree with the Council's Conservation Officer that, due to the degree of separation between the decking and the dwelling, the development would not affect the setting of the listed building.
16. For the reasons given, I attach limited weight to these issues in considering the appeal. None of the other matters raised alter or outweigh my conclusion on the main issues.

Conditions

17. Given that the development has already commenced, the standard three-year period in which the planning permission may be implemented is unnecessary. I attach a condition setting out the approved drawings in the interests of certainty.
18. It is necessary, proportionate and reasonable to require that screening is provided along the boundary with neighbouring properties to safeguard their privacy. As such, I impose a condition to require the agreement of a landscaping scheme for screening, and a temporary screen if required, including details of maintenance and timescales for implementation.

Conclusion

19. For the reasons given, I conclude that the appeal should be allowed.

Rebecca McAndrew

INSPECTOR