



Appeal Decision

Site visit made on 24 July 2025

by **R Kent BA (Hons) MTP DipM MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 August 2025

Appeal Ref: APP/P1615/W/25/3363461

Old Church Rooms, Church Way, Blakeney, Gloucestershire GL15 4DT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a grant of planning permission subject to conditions.
 - The appeal is made by Katherine Rollett against the decision of Forest of Dean District Council.
 - The application Ref P1333/24/FUL was approved on 7 January 2025 and planning permission was granted subject to a condition.
 - The development permitted is described as "*Variation of Condition 1 (installation of screens within 3 months of permission) relating to planning permission P0938/24/NONMAT to extend the timescale for the implementation of the privacy screens by an additional 5 months*".
 - The condition in dispute is No 01 which states that: "*The screens as shown and detailed on drawing number PL02 Revision B dated 5th August 2024 must be installed by the 5th April 2025 and thereafter maintained permanently.*"
 - The reason given for the condition is "*To safeguard the privacy of adjacent properties, in accordance with Core Strategy Policy CSP.1*".
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Decision

1. The appeal is allowed and planning permission is granted for the renovation of existing roof terrace and associated works at Old Church Rooms, Church Way, Blakeney, Gloucestershire GL15 4DT in accordance with the terms of the application, Ref P1333/24/FUL, subject to the following conditions:
 1. The development hereby permitted shall be carried out in accordance with drawing no PL02 Revision B dated 10.04.24 revised 01.07.24 'Roof Plan as proposed'.
 2. The horizontal timber slat screening shown on the approved plan shall be fully installed prior to the first use of the roof terrace hereby permitted and shall thereafter be retained.
 3. Prior to their installation details of the materials to be used for the timber decking and timber slat screening hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Applications for costs

2. An application for costs was made by the Council against the appellant. This application is the subject of a separate decision.

Preliminary Matters

3. The parties have confirmed that the plan which is the subject of this appeal is number PL02 Revision B 'Roof Plan as Proposed' dated '10.04.24' and revised '01.07.24'. The date of 5th August 2024 included in condition 1 is the date the plan

was uploaded onto the Council's system and is not a date shown on the drawing. I have therefore not included that date in the conditions in my formal decision above.

4. The Council considers that the development is part retrospective and that work on it has stopped to allow for the relocation of a honeybee hive from within the roof. Whilst the appellant disputes that development has already commenced, it is not within my remit in the context of an appeal under section 78 of the Act¹ to formally determine whether the development has commenced. Notwithstanding this, whilst the original planning permission P05182/24/FUL described the proposal as 'part retrospective' this is not an act of development. Therefore, I have not included that reference in my formal decision in paragraph 1 above.

Background and Main Issue

5. Planning permission P0518/24/FUL was granted on 28 June 2024 for the '*Renovation of existing roof terrace and associated works. (Part retrospective).*' In order to safeguard the privacy of adjacent properties, a condition was imposed requiring that the screens shown on the approved plan be installed within 3 months of the permission. This permission was amended by the granting of an application for '*Non-material amendment to planning permission P0518/24/FUL to change section of glass screening panels to timber*' on 21 August 2024². Condition 1 of that approval required the screens to be installed within 3 months of the date of that permission.
6. In late summer 2024 a honeybee colony was discovered in the main structure of the flat roof. Planning application P1333/24/FUL was submitted to extend the period for installing the screens by an additional 5 months. Permission was granted on 7 January 2025 subject to condition 1 requiring the screens to be installed by 5 April 2025 in order to safeguard the privacy of adjacent properties.
7. Against this background, the main issue in this appeal is the effect that varying or removing condition 1 would have on the living conditions of occupiers of adjoining dwellings with regard to loss of privacy.

Reasons

8. The existing building has a flat roof projection on its eastern side. From the top of the flat roof, it is possible to gain views down into the gardens of adjoining properties and across to the rear windows in neighbouring buildings. Whilst photographs submitted with the appeal show that it was previously used as an enclosed roof terrace, the previous timber decking and enclosure had been removed when I visited the site.
9. The previously approved renovation would result in new timber decking being laid and a new horizontal timber slat screen being installed around its perimeter. The screen would be 1.8m high which would be sufficient to restrict the view that users of the terrace would otherwise have of adjoining properties. As a result, it would prevent a loss of privacy to the occupiers of the adjoining dwellings through overlooking of their windows or gardens.

¹ Town and Country Planning Act 1990 (as amended)

² LPA ref P0938/24/NONMAT

10. A planning condition however is reasonable and necessary to secure the installation and retention of the screens to ensure that privacy is maintained. The appellant indicates that the installation of the replacement roof terrace has been delayed due to the need to address the issues arising from the bee colony. The delay has resulted in uncertainty about the timing of further works to complete the development and install the screens. However, provided the screens are installed before the terrace is brought into use there would be no loss of privacy to the occupiers of the adjoining properties from overlooking. A differently worded condition could be imposed to achieve this if the appeal is allowed.
11. Whilst the reason for the condition refers to policy CSP.1 of the Forest of Dean Core Strategy 2012, that policy appears to be a strategic policy addressing general design and environmental protection matters. The Council's officer report identifies policy AP 4 of the Forest of Dean Allocations Plan 2018 (FDAP) as the relevant policy for considering the effect on living conditions. Policy AP 4 expects the design of development, amongst other things, to respect the amenity of residents and others and is relevant to the appeal.
12. As an otherwise unacceptable loss of privacy from the use of the roof terrace could be made acceptable through the installation of the screens before the terrace was brought into use if the appeal were allowed, the roof terrace would not harm the living conditions of the occupiers of adjoining properties.
13. Therefore, for the reasons given, whilst a condition is necessary to secure the installation of the screens, a revised wording requiring that the screens are installed prior to the use of the roof terrace would achieve the same purpose as the disputed condition. The development with the revised condition would comply with FDAP policy AP 4 which expects development to respect the amenity of residents and others.

Other Matters

14. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the Blakeney Conservation Area (CA). The Blakeney & Awre Character Appraisal Supplementary Planning Document 2008 indicates that the CA derives its significance from the age of the settlement and the nineteenth century development following the industrialisation of the Forest and the introduction of the railways.
15. The site is located on the northern side of the CA and makes a positive contribution to its character and appearance. Whilst the previous terrace and screens have been removed as part of the renovation of the roof terrace granted planning permission by the Council, the replacement screens would not appear materially different to the previous screens. They have already received planning permission and a change in the timing of their installation would not harm the character or appearance of the CA. The character and appearance of the CA would be preserved as a result. The Council has not objected to the development on the basis of its effect on the CA and I have found no reason to conclude differently.
16. Reference is made to the cost of submitting a planning application and the manner in which the matter has been handled by the Council. This is something which can

be pursued through other processes. It does not have a bearing on my consideration of the appeal.

Conditions

17. The Planning Practice Guidance makes clear that decision notices for the grant of planning permission under section 73 should restate the conditions imposed on earlier permissions that continue to have effect. A condition requiring the development is carried out in accordance with the approved plans is necessary for reasons of certainty. In the interests of precision, I have included the plan number, date and revision date in the condition. For the reasons given above, a new condition requiring the screens to be installed prior to the first use of the terrace is necessary in place of the disputed condition. It is also reasonable in view of future uncertainty about when the development would be completed. Whilst the plans include photomontages of the proposed screens, I have not been provided with details of the proposed materials. In view of the sites location in the CA, I consider that a further condition requiring submission of the details of the materials to the Council for approval is necessary. The removal of the previous decking and screens indicates that the approved works have commenced. A condition requiring the commencement of development within 3 years is therefore not necessary.

Conclusion

18. For the reasons given above I conclude that the appeal should succeed. I will grant a new planning permission without the disputed condition but substituting others.

R Kent

INSPECTOR