



Appeal Decision

Site visit made on 13 May 2008

by **D R Cullingford BA MPhil MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
5 June 2008

Appeal Ref: APP/H0738/A/08/2063985/WF

117 Sidlaw Road, Billingham, Cleveland, TS23 2EE

- 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 by Mrs Michelle Patrick against the decision of the Stockton-on-Tees Borough Council.
- The application (ref: 07/1298/FUL and dated 24 April 2007) was refused by notice dated 23 July 2007.
- The development is described as a retrospective application to retain 'decking area and wooden railings on top of detached garage'.

Decision

1. For the reasons given below, and in exercise of the powers transferred to me, I dismiss the appeal.

Reasons

2. The appeal property is a modest semi-detached dwelling on an extensive estate of closes and culs-de-sac. A detached flat-roofed garage stands in the small back garden barely 2m from the rear elevation of No.117. The side wall of that structure has been 'opened up' to create a sheltered play area for the children and the roof has been covered with 'decking' and surrounded with wooden railings to accommodate various 'garden chairs', thereby creating a sort of elevated patio or detached veranda; an external wooden staircase provides access to that 'sitting out area' from the rear garden. The Council are concerned that the use of such a facility must result in an unreasonable loss of privacy for neighbouring residents and thus contravene 'saved' policy GP1 of the Local Plan. That is the issue on which this appeal turns.
3. Although the wooden railings surrounding the garage roof are not obtrusive in themselves, especially being positioned well behind the street frontage, they transform, together with the decking and the staircase, the garage roof into a detached veranda. I saw that from that vantage point it was possible to peer into first floor and ground floor windows of neighbouring dwellings at very close quarters and to survey the full extent of several back gardens. I do not accept that such views are similar to the outlook from existing windows. First, they are not confined by the frame of a window or by the dimensions of a room. Second, they include views that are simply not available from existing windows, such as those directly back towards the rear elevations of the nearby dwellings at very close quarters. Third, they are much more extensive. In addition, I consider that the presence of people in a position to glance into so much of what otherwise might be the more private areas of neighbouring

properties would create an oppressive sense of being under surveillance for those nearby. The infrequent use of the facility would not ameliorate its harmful effects because, in my view, privacy is impaired by the chance of intrusion as well as its actual occurrence. Similarly, although a screen around the railings might curtail views from the garage roof while people are reclining in their 'garden chairs', it would not do so in other circumstances. Hence, I agree with the Council that retention of this arrangement would unacceptably impinge on the privacy neighbouring residents might reasonably expect to enjoy; it would thus fail to comply with the requirements of 'saved' policy GP1.

4. I have considered all the other matters raised. I realise that this rear garden is smaller than many on this estate, but I do not accept that that would warrant the harmful effects I have found in retaining this elevated 'sitting out area'. I find nothing else sufficiently compelling to alter my conclusion that this appeal should be dismissed.



INSPECTOR