

<b>BLAENAU GWENT COUNTY BOROUGH COUNCIL</b>	
<b>Report to</b>	<b>The Chair and Members of Planning, Regulatory and General Licensing</b>
<b>Report Subject</b>	<b>Enforcement Appeal Update: 1 Hawthorne Glade, Tanglewood, Blaina</b>
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<b>Directorate</b>	<b>Regeneration and Community Services</b>
<b>Date of meeting</b>	<b>September 2021</b>

### **1. Purpose of Report**

- 1.1 To advise Members of the decision of the Planning Inspectorate in respect of an enforcement appeal against an enforcement notice (Ref: CO/2019/0101). The breach of planning alleged is for the construction of steel framed raised decking.
- 1.2 The notice was issued on 18<sup>th</sup> January 2021. The requirements of the notice are to remove the unauthorised steel framed raised decking with a compliance period of 3 months from the date the notice takes effect.
- 1.3 The appellant appealed on ground (a) – that planning permission should be granted.
- 1.4 The main issues are the effect of the development on the character and appearance of the area and the living conditions of neighbours.
- 1.5 The Inspector's decision is based solely on the unauthorised works that have already taken place i.e. the section along the southern boundary that fronts the highway, and does not include future proposed works as indicated on the plans submitted by the

applicant i.e. decking wrapping around the rear of the garden adjacent to number 15 Tanglewood Drive.

## **2.0 Scope of the Report**

2.1 The rear garden steeply falls away towards the highway and rear boundary. As such, the decking sits above the boundary fence line.

2.2 The Inspector recognised that the decking reads as a substantial and imposing structure when viewed from the public realm and looks out of place in the context of the surrounding area. Furthermore, the Inspector goes on to state that the decking appears to be awkward and contrived and agrees that it has a harmful effect on the character and appearance of the area.

2.3 Despite the appellant's argument that the mature landscaping between the decking and highway would eventually provide screening (and could be supplemented with additional planting), the Inspector did not consider that screening would adequately mitigate the visual harm associated with the decking.

2.4 Whilst the Inspector acknowledged that the finished decking (as shown the submitted plans) would give rise to unacceptable levels of overlooking upon No. 15 Tanglewood Drive, she confirmed that the part of the development being considered under this appeal i.e. the section fronting the highway, does not. As such, the existing decking does not conflict with LDP Policy DM1 or the SPG in respect of the impact upon the neighbour's living conditions.

2.5 The Inspector also acknowledged that the topography of the site renders it difficult to improve and make better use of the sloping part of the garden, but did not consider that these matters outweigh the harm to the character and appearance of the area caused by the decking.

2.6 Finally, the Inspector did not dispute that due to the topography of the area, there is a degree of overlooking between neighbouring properties over and above that normally expected. However, the appeal was determined on its own merits and other elevated decking structures within the wider estate (or how they

came into being) do not justify what is considered an unacceptable form of development.

2.7 In conclusion the Inspector refused to grant planning permission on the application and the Enforcement Notice is upheld.

2.8 The Inspector accordingly DISMISSED the appeal.

2.9 The 3-month compliance period in the initial notice will now run from the date of the appeal decision i.e. 3 months from 27<sup>th</sup> July 2021.

### **3. Recommendation/s for Consideration**

3.1 That Members note for information the appeal decision as attached at **Appendix A**.