



## Appeal Decision

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by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 25/06/2024

Appeal reference: CAS-03400-C1K0H9

Site address: 58 Pennant Street, Ebbw Vale, NP23 6PP

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- 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 Owain Bolter against the decision of Blaenau Gwent County Borough Council.
  - The application Ref C/2023/0236, dated 6 August 2023, was refused by notice dated 11 March 2024.
  - The development proposed is a proposed first floor rear house extension, provision of car port and proposed balcony with privacy screen.
  - A site visit was made on 4 June 2024.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to overbearing effects from the proposed decking and privacy screen.

### Reasons

3. The appeal site is a mid-terrace property in a densely developed residential area. Due to the prevailing topography, the rear garden areas of properties in the street, accessed off a lane, are at a lower level than the associated dwellings. Consequently, their ground floor living accommodation is accessed at street level from the front of the dwellings but is elevated at the rear and generally accessed via steps.
4. The proposal is to increase the height of an existing single storey rear projection at the appeal property to two-storeys. The new upper level would provide bedroom space above an existing kitchen, and which would have a large, glazed opening and glass balustrade facing across the lane towards the rear of dwellings at Eureka Place. The lower level of the property, directly accessible from the lane, would provide a covered parking area and space for refuse bins behind a roller shutter door with steps leading up to decked areas above. The decked area closest to the dwelling, between the existing rear projection and the side elevation of No 60 Pennant Road, would provide level access

into the existing rear dining area, with steps leading down to a slightly lower-level deck which would extend across the width of the rear garden, and to about half its depth when measured from the rear elevation. This area would have a 1.1m glass balustrade across much of its width, with gated access to the steps leading down to the lane level. To its southern side, it would have a 1.7m high privacy screen between it and the adjoining neighbouring property at No 56.

5. Blaenau Gwent Local Development Plan (LDP) Policy DM1 states that development will be permitted subject to its criteria, including that there would be no unacceptable impact upon the amenities of neighbouring occupiers. The Council's 'Householder Design Guidance' Supplementary Planning Guidance (SPG) seeks to improve the standard of design of householder development and has been adopted to supplement, amongst other things, Policy DM1. The SPG's Guidance Note 7 (GN7) provides detailed guidance on raised decks, stating that they must not by virtue of their size or position adversely affect neighbouring amenity. GN7 acknowledges that decking is often elevated above ground to compensate for the slope of a site. However, it advises that if the decking is elevated, the impact of the structure and safety fencing could increase the overbearing impact, cause overlooking of neighbouring properties and in some cases, cause overshadowing.
6. The Council raises no specific concerns regarding any unacceptable effects which would arise from any part of the proposed scheme on the living conditions of occupiers of No 60 Pennant Road (No 60) and given the adjoining blank side elevation, I do not consider unacceptable effects would occur in relation to that property. I also saw during my site visit that given the separation distance and intervening rear garage structures, the proposal would have no unacceptable effects on the living conditions of occupiers at Eureka Place.
7. Whilst the length of the proposed rear first floor addition would marginally exceed guidelines in the SPG's Guidance Note 1, it would not extend the footprint of the existing rear projection. Its increased height would not unacceptably affect the outlook from rear openings at No 56 Pennant Road (No 56) one of which serves a bathroom, and there would be no new openings facing towards that property. The bedroom window at No 56 would retain an outlook to the rear and given the relative orientation, there would be no overshadowing of that property.
8. I saw that at rear ground or lane level, the garden at No 56 is occupied by a gazebo, together with a garden shed and washing line, from which steps lead up to a raised terraced area defined by a blockwork wall from which rear access to the dwelling is provided. No concerns are raised by the Council in relation to any privacy or overshadowing effects arising from the intended development and given the intended privacy screen, as well as the relative orientation of the dwellings, I find no reason to disagree on these matters.
9. At its intended height, the privacy screen would be commensurate in height to a fence that might typically be erected in a rear garden. However, the surface level of the proposed easternmost lower-level decked area would sit at about the same level as the highest part of the appeal property's side brick wall, and the top level of the existing side boundary fence at No 56. The intended 3m wide privacy screen would project a further 1.7m above the surface of the decked area, with the structure reaching an overall height of about 4m above the rear ground level at No 56. Accordingly, it would be a substantially taller structure than an ordinary garden fence when viewed from that property and given its intended height and depth, would be an overbearing and oppressive feature which would unacceptably enclose the neighbouring garden. Its full depth and much of its height would be visible from the closest side ground floor opening at No 56, and from its

raised external terraced area, from where, exacerbated by its proximity, it would be viewed as an imposing and incongruous construction.

10. My attention was drawn to similar raised deck development locally but the Council states that there is no record of these having obtained planning permission and I have therefore considered the appeal on its own merits.
11. The Council raises no objection to the effect of the proposed development on the character and appearance of the area or on highway safety and from my own observations during my site visit, I have no reason to disagree. Nevertheless, even taken together, these matters do not outweigh the harm I have identified to occupiers at No 56 in relation to the main issue.
12. I conclude that the proposal would harm the living conditions of neighbouring occupiers at No 56 Pennant Street with particular regard to overbearing effects from the proposed decking and privacy screen, and so would not comply with LDP Policy DM1 or the advice within the SPG.

### **Conclusion**

13. For the reasons given above and taking all other matters into account, I conclude that the appeal should be dismissed.
14. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

*N Jones*

INSPECTOR