

GROUND S OF APPEAL

5 WHALLEY ROAD, READ. BB12 7PB

The grounds of appeal document aims to review the refusal of planning permission for “RETENTION OF UNAUTHORISED 1500mm TIMBER FENCE TO PROVIDE PRIVACY AND SECURITY TO REAR GARAGE ROOF”. The assessment will be reviewed under the headings below in an aim to provide an objective evidence-based analysis for review by the planning inspectorate on appeal of the local authorities’ decision.

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The purpose of the document is to present the applicants case as a ground of appeal to the planning inspectorate to review as part of the appeals process.

All information within this document has been collected and reviewed by the applicant Mr Umair Khan.

1.0 – DESIGN VARIATION

- 1.1 - The planning application was submitted in response to the current occupants installing a 1500mm timber fence to their rear amenity space to prevent overlooking from neighbouring properties and to provide a secure barrier to stop children from falling.
- 1.2 - The approved scheme (Ref: 3/2021/1178) was for a glazed balustrade to be installed on the rear elevation and the elevation between No. 5 and No. 3 Whalley Road.
- 1.3 - The current boundary treatment to the rear of No. 7 Whalley Road and the boundary treatment between No. 7 and No. 5 is a timber fence approximately 1700mm high.
- 1.4 - The current tenants have young grandchildren who use the space to play. With a glass balustrade the neighbouring kitchen window directly overlooks their amenity space.
- 1.5 - In the summer months, due to its orientation, the occupants use the space to lounge and enjoy the weather. It is rather uncomfortable to be directly overlooked by the kitchen window at No. 3 Whalley Road.
- 1.6 - Approx. 95% of terraced properties in the country look out to a timber fence or a kitchen extension to the boundary of their rear yard.
- 1.7 - The current yard for No.3 Whalley Rd is accessed from the basement.
- 1.8 - The shadowing or loss of light to the current yard area of No.3 Whalley Road is unaffected by the 1500mm fence to the boundary.
- 1.9 - The height of the fence has no impact on the light going into the living space or kitchen due to the south facing orientation of the rear elevation of the properties.



Fig. 1 – rear elevation – timber fence matches adjacent property

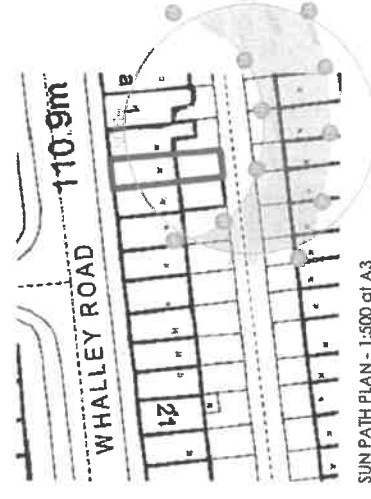


Fig. 2 – sun path diagram shows south facing rear façade where minimal overshadowing would occur to neighbouring property

1.10 - The impact is solely on overlooking; the approved glass balustrade would not provide adequate protection from overlooking to No. 5 Whalley Road.

1.11 - The timber fence is in keeping with the adjacent property, it fits in with the surrounding area and provides adequate protection from falls and direct overlooking from neighbouring properties.

2.0 -- PARTICULARS OF DECISION

2.1 - The particulars of decision highlight two policies for the refusal of the planning permission.

2.2 - Throughout the process we have liaised with the planning officers. We have sought a suitable alternative which could be a compromise to the amenity of both properties and not solely focussed on the amenity of No. 3 Whalley Road.

2.3 - The refusal document has made reference to NPPF Policy DMG1 and DMH5 regarding residential amenity.

2.4 - These policies make reference to the amenity of the properties in question and the surrounding area.

2.5 - The policies place particular "emphasis on the visual appearance and relationship to the surrounding". The timber fence is matching the fencing panels to the adjacent property as well as the fencing around the surrounding area.

2.6 - A glazed balustrade would not only look out of keeping with the surrounding area but it would cause over looking to what should be a private amenity space.



Fig. 3 – photograph of existing fence

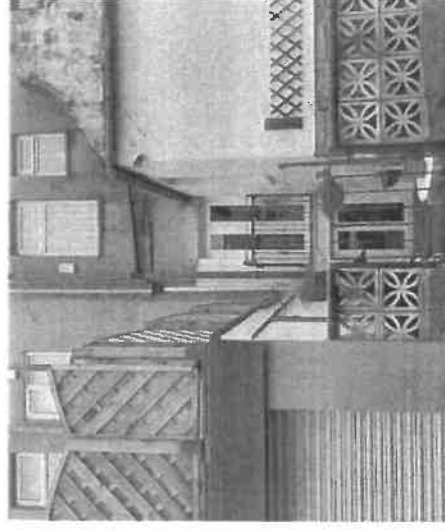


Fig. 4 – photograph of existing fence – has no impact on the rear yard, without fence kitchen window directly overlooks the amenity space

3.0 - CONCLUSION

- 3.1 - We were forced to alter the approved design due to the invasion of privacy and direct overlooking the glazed balustrade created.
- 3.2 - The neighbouring kitchen sink faces the amenity space and therefore any form of kitchen activity associated with the sink resulted in direct overlooking of the neighbouring amenity space where both children are playing and teenagers are potentially lounging in the sun during summer months.
- 3.3 - We would appreciate if the assessment can be made looking at the amenity and requirements of both properties.
- 3.4 - The current timber boundary treatment is in keeping with the surrounding area and matches the fencing on the adjacent property. The height of the fence has been reduced to reduce any direct impact to No. 3 Whalley Rd. This complies with both NPPF DMG1 and DMH5.

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Fig. 5 – all boundaries within the surrounding area are masonry construction with timber fence above or to the side – there are no glazed balustrades within the surrounding context and it would be out of keeping