



## Appeal Decision

---

by Richard James Bsc (Hons) Msc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 11/09/2023

Appeal reference: CAS-02822-W4G8B4

Site address: 4 Village Lane, Mumbles, Swansea, SA3 4EB

---

- 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 & Mrs Gifford against the decision of the City and County of Swansea Council
  - The application Ref 2022/2949/FUL, dated 19 December 2022, was refused by notice dated 24 May 2023.
  - The development proposed is steps and raised decking with associated balustrade, alterations and additions to shed to include external material alterations, the addition of bi-fold doors and front decking with balustrade, proposed landscaping and ecological enhancements.
  - A site visit was made on 8 August 2023.
- 

### Decision

1. The appeal is allowed and planning permission is granted for steps and raised decking with associated balustrade, alterations and additions to shed to include external material alterations, the addition of bi-fold doors and front decking with balustrade, proposed landscaping and ecological enhancements at 4 Village Lane, Mumbles, Swansea, SA3 4EB, in accordance with the terms of the application, 2022/2949/FUL, dated 19 December 2022, subject to the conditions set out in the schedule to this decision letter.

### Procedural Matters

2. I have taken the description of development from the appeal form and the Council's Decision Notice as it provides a more accurate description than that outlined on the planning application form.
3. The development has been carried out in part and the appeal therefore seeks retrospective planning permission.
4. Following a request for clarification, the Council has confirmed that plan reference HG 21-15 [02]-006 Rev B Proposed Boundary Fences as listed on the Decision Notice is correct and has subsequently provided a copy of this plan. My decision is made on this basis.

### Main Issue

5. This is the effect of the proposal on the living conditions of neighbouring occupants, with particular regard to privacy.

## Reasons

6. The appeal site comprises, a mid-terraced dwelling with a steeply sloping rear garden area set on multiple levels. The neighbouring terrace gardens on both sides also rise up the steeply sloping hillside. A detached dwelling known as 'High Nook' is offset from the rear of the appeal site with views across the terrace's rear gardens and the appeal site. Two decked areas with balustrades have been constructed on site, one in front of an existing outbuilding at the upper level and one immediately below, which is raised above the sloping topography. The proposal seeks retrospective permission for these structures, along with the further described works.
7. During my site visit, I saw that due to the rising topography, rear garden areas along the terrace mostly possess, and are affected by, elevated and commanding viewing positions to and from neighbouring garden areas. This, in combination with their close proximity and low level boundary screening, results in a high level of communal overlooking across multiple garden areas and a heightened awareness of neighbouring occupant activity.
8. As constructed, and in comparison to an approved scheme (ref. 2021/2481/FUL), the upper level's decked area in front of the outbuilding has a minimal increase in depth and a similar height. It therefore retains a similar angle of view to adjoining garden areas on either side. Whilst providing more space for external seating and standing beyond the open fronted outbuilding, any additional loss of privacy to neighbouring occupants is negligible.
9. Turning to the decked area below, this is higher than the previously approved scheme. Nevertheless, it retains a similar ground level to the neighbouring gardens immediately adjacent on both sides and as such, is not overly dominant. With a similar floor area constructed, it does not materially change the nature of the previously approved scheme's use. I acknowledge that its height and level nature creates a platform that provides occupants with some views over No. 3's lower garden level (which has a railing balustrade). However, this area would have likely been inherently overlooked prior to the development's construction, by virtue of the elevated neighbouring garden levels and High Nook's windows directly opposite. Whilst providing a higher seating area, the decking's effect on privacy levels does not therefore materially worsen the pre-existing situation. Furthermore, the proposed planting between these areas would partially screen downward views into this neighbouring area from a seated position, which would mitigate against any perceived loss of privacy.
10. I conclude that the proposal would not cause harm to the living conditions of neighbouring occupants and would comply with Swansea Local Development Plan (LDP) Policy PS 2, which amongst other matters, seeks to ensure that no significant adverse impacts would be caused to people's amenity. It would also comply with the Placemaking Guidance for Householder Development supplementary planning guidance, which has similar objectives.

## Other Matters

11. The appeal site is in the Mumbles Conservation Area. Given that the proposal has a small scale domestic form set against the hillside in the context of existing rear garden terraces and outbuildings, it would not be prominent or intrusive. It would therefore preserve the character and appearance of the Conservation Area.
12. I have had regard to the local representations raising objections to the development, however, I find nothing of substance that leads me to alter my decision.

## Conditions

13. As the development has commenced, it is unnecessary to impose the standard commencement condition. The plans make provision for a bird box and feeding station as well as a scheme of landscaping which would provide biodiversity enhancements in accordance with national and local planning policy. Conditions are however necessary to ensure that these are provided in accordance with the approved details and/or as agreed with the Council.

## Conclusion

14. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be allowed.
15. 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 Ministers' well-being objectives.

*Richard James*

INSPECTOR

---

## SCHEDULE OF CONDITIONS

1. The development shall be carried out in accordance with the following approved plans:  
HG 21-15[02]-010 Existing and Proposed Shed Elevations  
HG 21-15 [02]-005 Rev A Existing Boundary Fences  
HG 21-15 [02]-006 Rev B Proposed Boundary Fences  
HG 21-15 [02]-001 Rev E Proposed Terrace  
HG 21-15 [02]-002 Rev C Proposed Landscape Plan and Timetable for Ecological Enhancements insofar as it relates to the landscape works.  
Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.
2. The development shall not be occupied until such time as the bird box and bird feeding station has been implemented in accordance with details that shall have first been submitted to and agreed in writing by the local planning authority.  
Reason: In the interest of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and LDP Policy ER 9.
3. The landscaping works shall be carried out in accordance with the approved details during the first planting season immediately following completion or occupation of the development, whichever is the sooner, or in accordance with a timetable to be agreed with the local planning authority. Any plants, which within a period of 5 years, die or are removed or uprooted shall be replaced with a plant of the same species during the next planting season.  
Reason: In the interest of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9 and LDP Policy ER 9.