



Appeal Decision

by Mr A Thickett BA (Hons) BTP Dip RSA MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/10/2023

Appeal reference: CAS-02878-V7F5H7

Site address: 5 Heatherslade Close, Llangland, Swansea SA3 4HP

- 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 Alkhafaji against the decision of the City and County of Swansea.
 - The application Ref 2023/0993/FUL, dated 26 April 2023, was refused by notice dated 21st June 2023.
 - The development proposed is detached garden room with raised platform and balustrade.
 - A site visit was made on 5 October 2023.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the proposed development on the privacy of neighbouring residents.

Reasons

3. The garden room is in situ. It lies at the end of the appellant's back garden on the shared boundary with No. 2 Brandy Cove Close and No. 35 Worcester Drive. It is based on a larger platform with access either side running back to the rear boundary. The wall of the garden room facing the appeal property is glazed. The rear gardens on Heatherslade Close rise steeply up from the properties such that the platform is around 5 to 6m above Nos. 4 to 6 Heatherslade Close.
4. At the time of my visit, tall and dense hedge/planting on the shared boundary with No. 6 prevented any views from the garden room into the garden or rear windows to that property. It was possible to look into the rear garden of No. 4 and the rear windows to that property. A wall on the shared boundary with 35 Worcester Drive blocks views from the platform towards that property but the wall on the boundary with 2 Brandy Cove Close is much lower, affording views into the rear garden, patio and bedroom window.
5. I acknowledge one expects a degree of mutual overlooking in urban areas, especially where gardens slope as steeply as they do here and that the area on which the garden

room and platform is based was previously used for barbecues (and could be again). Further, the orientation of the properties and topography is such that the view into the rear window of No. 4 is oblique and limited. However, the garden room could be used for long periods all year 'round whereas previously as a barbeque area it would only likely be used in warm weather. People sitting in the garden room and standing on the platform can look down into the rear garden of No. 4 and at close quarters into the rear garden, patio and bedroom window to No. 2 Brandy Cove Close.

6. That No. 4 may be a second home is not material and the harm I identify would continue should that situation change.

Conclusion

7. For the reasons given above and having regard to all matters raised, I find that the proposed development has an adverse impact on the privacy of neighbouring residents. I conclude that the proposal conflicts with PS2 of the Swansea Local Development Plan, 2010 to 2025, adopted 2019 and that the appeal should be dismissed.
8. 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 this decision accords with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of making our cities, towns and villages even better places in which to live and work.

A Thickett

Inspector