



# Appeal Decision

Site visit made on 5 July 2005

by **P R Burden BSc CEng MICE**

an Inspector appointed by the First Secretary of State

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Date

02 AUG 2005

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Appeal Ref: APP/V3120/A/05/1178344

20 South Quay, Abingdon, Oxfordshire OX14 5TW

- 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 Mijrat Terzi against the decision of Vale of White Horse District Council.
- The application (Ref. ABG/17715/1), dated 21 May 2004, was refused by notice dated 13 January 2005.
- The development proposed is retrospective application for an harbour and additional pontoons.

**Summary of Decision: The appeal is dismissed.**

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## Main Issues

1. The scheme was refused on grounds of potential increased flood risk, but since the date of the refusal negotiations with the Environment Agency have resulted in the conditional withdrawal of their objection. Subject to these conditions, therefore the scheme's flood risk implications are no longer central to a decision on the appeal.
2. The main issues remaining are therefore whether the construction would, when finished, be prominent, visually intrusive and out of keeping with the character of the marina development and its surroundings, and whether its use would be materially harmful to the privacy and amenity of those living in neighbouring dwellings.

## Planning Policy

3. The Council cited policies H18, D1, D2 and D4 of the adopted Vale of White Horse Local Plan 1999 in those reasons for refusal relevant to the matters remaining in issue. These policies require developments of this nature to be of a high standard of design, to be acceptable in terms of their scale, massing, location, landscaping and materials on the character and appearance of the locality, and to be acceptable in their effect on the amenities of neighbours in terms of matters such as privacy, visual intrusion and dominance. The corresponding policies of the emerging local plan also referred to in the decision notice cover much the same ground.

## Reasons

4. I can see no in-principle objection in visual or character terms to the provision of some decking on the site nor, subject to appropriate cladding, to the decking's supports. It is evident that a number of other dwellings around the marina have replaced the original grassed slopes at the far end of their rear gardens with decking, and this type of feature is now fairly common. Neither can I see any material drawback in visual or character terms to
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the additional pontoon proposed, although this is subject to its design ensuring that flows from the culvert are not impeded as required by the Environment Agency. Such pontoons are also a common feature on the marina development.

5. I can, furthermore, see no objection to the use of the trellis as an external cladding to hide the structural underpinnings of the arbour and decking, subject to detail refinement to rectify the lack of symmetry currently existing on its diagonal ribs and it ensuring that flows from the culvert outfall are not impeded. Again, trellis has been used in a similar location elsewhere on the marina, and arguably it is less visually intrusive than the brick walls constructed in other places.
6. I do, however, consider the arbour to be excessive in extent. It covers a ground area broadly similar to the area covered by the appellant's dwelling. If it were partially roofed and its sides partially panelled in plywood as proposed, then taken with the almost solid fence along the rear of the structure it would have almost the same impact in terms of closing out the sense of the countryside beyond as a single storey building of the same footprint. Matters are made rather worse in this respect than they need be by the fact that the surface of the decking is a little higher than the level of the gardens and other areas of decking present to the rear of the South Quay dwellings. In sum, the project's scale and massing would be only marginally less than a building of comparable dimensions, and it appears to extend built development onto land on the fringe of the marina. For these reasons I consider it to be overstated and out of scale for its location.
7. As to the project's privacy and overlooking implications, it is clear that, by virtue of the open plan nature of the marina development, and particularly, the rear gardens, which are widely visible from across the water and nearby, its residents do not have the sort of seclusion enjoyed by those living in a typical suburban residential environment with back gardens bounded by timber close boarded fences. Indeed the relationship of the appeal scheme to Nos 14-19 South Quay has similarities to the relationship existing between the rear gardens of the dwellings situated around the return angles of the water area on the west side of South Quay. I can also see a degree of similarity in terms of its effect on neighbours' privacy with that arising from the recreational use of neighbours' boats when moored alongside the marina's pontoons.
8. The effect of using the decking and arbour for sitting out would in my view be rather more pronounced because of its slightly elevated position and because the provision of seating on the decking makes it a comfortable location for outdoor entertaining and other extended uses. The completed appeal project would therefore result in an adverse change in the residential environment neighbours thought they had bought into when they purchased their properties. However, given the open nature of the marina development I do not consider their amenity would be eroded to a degree materially harmful in this context. Nevertheless, I conclude that by virtue of its scale, its prominence and its effect on visual amenity, the arbour project as currently proposed is not acceptable.

### Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

### Formal Decision

10. I dismiss the appeal.



INSPECTOR