



**8 Dodlee Lane, Huddersfield**

**HD3 4TZ**

**Enforcement Appeal Relating to the Erection of  
Decking**

## Introduction

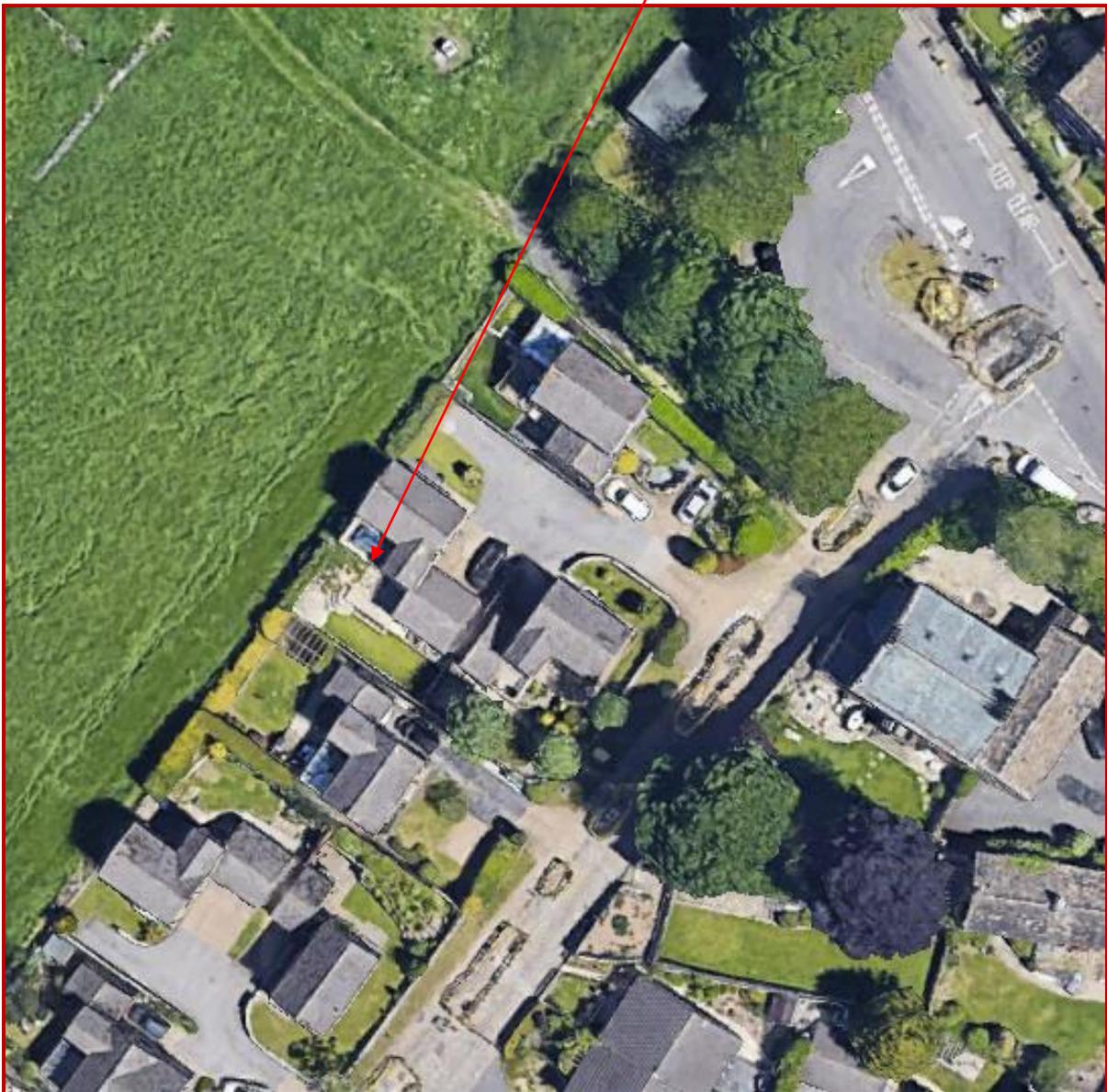
This statement has been produced by AKPlanning in support of an appeal against an enforcement notice served at 8 Dodlee with regards to the erection of decking.

The appeal is made under ground a, that planning permission should be granted.

The notice comes into effect on the 4<sup>th</sup> August.

## Site Location and Description

The aerial photograph below shows the sites location and appearance.



## The Breach

The notice states: -

“The erection of a timber built raised platform.”

We do not dispute that the breach has taken place and that it needs planning permission. However, it should be noted (as explained in more detail in the appellant’s case) that the vast majority of the platform is replacement of a similar timber platform that was probably erected in the late 1980’s but definitely over 8 years ago and had rotted.

The reasons for the serving of the notice are given as effect on the visual amenity of the conservation area and effect on the privacy of neighbours. We will address these matters later in this statement.

Although not relevant to the appeal the appellants would like it noted that they did not receive any letters from the LPA prior to the serving of the notice. The LPA have stated that letters were sent. The appellant therefore missed the opportunity to submit a planning application to regularize the breach.

## Site History

*Plan\_Ref : 87/04931*

*Proposal : Erection of 7 no. dwellings with integral garages*

*SiteLocation : Dodlee Lane, Dodlee, Huddersfield.*

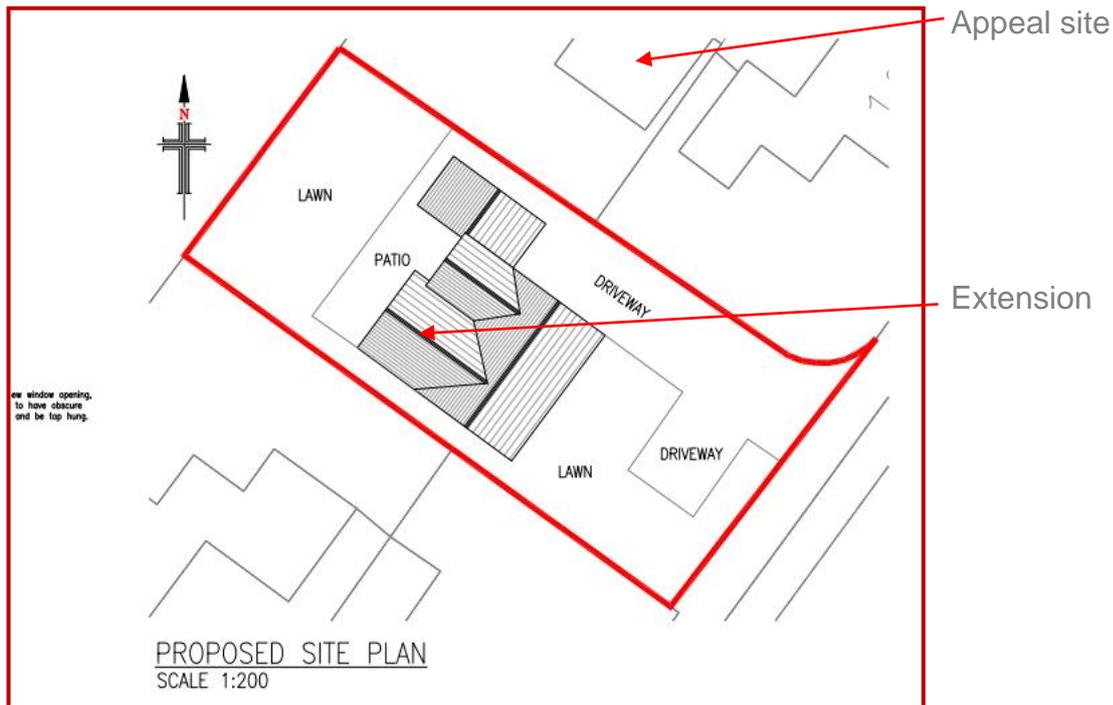
*Plan\_Ref : 88/03388*

*Proposal : Erection of extension to form conservatory (dwelling under construction)*

*SiteLocation : Plot 5, Dodlee Lane, Dodlee, Huddersfield.*

The dwelling was erected in the late 1980’s.

Number 12 Dodlee, the dwelling below/to the southwest of the appeal site, has planning permission (granted in 2021) for the erection of a two-storey extension with a Juliet balcony. This extension will cause some loss of privacy to 8 Dodlee (appeal site) due to it having upper floor windows. The details of the extension are shown over the page.



### The Appellant's Case

There are two matters to address: -

1. Appearance within the Conservation Area.
2. Effect on neighbours privacy.

To enable a full consideration of these matters we have visited the site, below and over are photographs that describe the development.



This is a view of the decking from the garden. The dark grey "boxes" on top of the decking are actually settees. The decking will be panelled to ground level and then finished with a glass balustrade.



This is the view from inside the house. The decking blocks the view down the garden from the conservatory.

As we have already stated the majority of the decking is replacement for a previous deck that had been in place for at least 8 years. The new decking differs in two ways. Firstly the old decking projected further out from the house by about a foot. We can judge this as the original decking floor attachments can still be seen on site.

Secondly the new decking has been wrapped around the western side of the house adjacent to the adjoining open field.



This photo shows the original wooden decking.



This picture shows the height of the decking (right hand side of picture) which is the same as the new decking.

The original decking had to be replaced as it was rotting and becoming dangerous. It is necessary to provide a raised platform in this location as the patio doors are the main exit from this part of the house to the rear garden. Without the platform they would open onto a significant drop.

We also know that the original decking was in place when the property was marketed in 2015 and advertised as having a large rear raised decking area. We actually believe the decking was constructed much earlier than this and probably around the time the extension was approved (late 1980's).

In considering the impact on the Conservation Area it is our case that the new decking is located in a back garden away from public view. It cannot be seen from Dodlee and there are no long-distance views from any public area to the west. The house to which it is attached is a modern one and the new decking, being a composite grey board, compliments the modern vernacular of the host dwelling. This is an improvement on the old style dark stained wooden rotten decking.

A similar structure is located on the adjacent property to the north of the appeal site. This can be seen from the access drive to the houses and overlooks the front of 8 Dodlee. Further decking has been erected on the property to the southwest.

The effect on the appearance of the Conservation Area is at worst neutral, it is also consistent with other decking in the area, and as such it complies with planning policy and can be granted planning permission.

With regard to privacy. The appeal site is elevated above the properties to the south. The rear windows of the host dwelling look down and across the rear gardens of these properties. The immediate property to the south has large hedge screening around the garden.

The replacement decking screens the view down the to the neighbouring gardens from the ground floor window/patio door of the conservatory.

The raised platform is not new, and any overlooking already existed with the old wooden decking. Indeed, the old decking projected further from the house and had a worse effect than the new. We consider that the old decking, being lawful, is a material consideration when determining this appeal. Given this it is our case that the new decking has less effect on privacy than the old and can therefore be granted planning permission.

## Conclusion

The new decking is a replacement for an old wooden decking. It varies very little in size and height. It cannot be seen from a public area and has a better appearance than the structure it replaced; the decking is consistent with both adjacent properties which have a decked area to their rear. The effect on the appearance of the Conservation Area and host dwelling is neutral and therefore it complies with planning policy.

The new decking causes less overlooking than the original and it screens views from the rear patio windows of the host property. The old decking, being lawful, is a material consideration, therefore planning permission can be granted for this replacement.

We request that this appeal is allowed, and planning permission granted.

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**RTPI**

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