
Appeal Decision

Site visit made on 5 December 2016

by Helen Hockenhull BA(Hons) B.PI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 December 2016

Appeal Ref: APP/L5240/D/16/3157507
180 Chaldon Way, Coulsdon CR5 1DF

- 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 and Mrs Whyte against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/03060/P, dated 15 July 2016, was refused by notice dated 12 August 2016.
 - The development proposed is the 'retention of existing terraces to garden'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. The description of development makes reference to the retention of existing terraces to the garden. However retention does not form an act of development. The development has commenced and is substantially completed. It is therefore retrospective development and I have considered the appeal on this basis.

Main Issues

3. The main issues in this case are:
 - the effect of the development on the character and appearance of the area;
 - the effect of the development on the living conditions of the occupants of neighbouring dwellings.

Reasons

Character and appearance

4. The appeal site forms a two storey semi-detached house in a predominantly residential area of similar dwellings. Along with its neighbours the property has a very long rear garden that rises up significantly to the rear. These gardens can be viewed between the gaps in the dwellings and contribute positively to the character of the area and the street scene.
 5. The development has altered the levels to the rear garden. Steps have been provided from the existing rear garden to a lower terrace area. A further set of
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steps than leads to an upper terrace which forms a play area surfaced with astroturf. There is then a retaining structure to the remainder of the rear garden. The height of the highest element is around 1.9 metres above existing ground level. Landscaping has been provided to the base of the lower terrace and within the lower terrace area itself to provide screening. The sides of the structure as viewed from the neighbouring gardens and from the rear of the existing property comprise timber sleepers which are proposed to be stained dark brown.

6. On my site visit I observed the development from the gaps between the neighbouring dwellings. Whilst I acknowledge that a view of the development can only be obtained from certain angles, I consider that these views are nonetheless important in the street scene. The neighbouring gardens at Nos 178 and 182 Chaldon Way rise up with a natural slope to the rear. The appeal scheme, with its engineered levels contrasts sharply with the natural appearance of these neighbouring gardens. I consider that the development as a result of its height and size, dominates the landscape to the rear of the dwellings and appears incongruous in the street scene.
7. I accept that the soft landscaping to the front of the terraces has been newly planted and with time once established would assist to screen the front of the terraces. I also note that the appellant in his statement has indicated the intention to provide close boarded timber fencing constructed under permitted development rights to conceal and frame the timber decked structures. In addition he has also expressed the intention to provide soft landscaping along both sides of the garden. It is suggested that this additional fencing and planting could be the subject of an appropriate condition should the appeal be allowed.
8. However landscaping could not be provided on the appeal site itself due to the proximity of the decking to the property boundary. Therefore third party land and agreement from the landowners concerned would be required. In any event I am not persuaded that having regard to the scale and the level of elevation of the upper terrace that the provision of further fencing and landscaping would adequately screen the development and satisfactorily mitigate the adverse impact on the character of the area. Indeed, I consider it likely that additional fencing and landscaping would increase the prominence of the development in the street scene.
9. Consequently I consider that the development causes harm to the character and appearance of the area. It therefore fails to comply with Policies 7.4 and 7.6 of the London Plan 2016, Saved Policies UD2 and UD3 of the Croydon Replacement Unitary Development Plan 2006 (The Croydon Plan) and Policies SP1.2, SP4.1 and SP4.2 of the Croydon Local Plan: Strategic Policies 2013. These policies aim to ensure that, amongst other things, development respects and enhances local character and contributes positively to the public realm.

Living conditions

10. The development is sited approximately 27 metres from the rear elevation of the existing house. At this distance, and having regard to the proposed planting which once established would obscure views back towards the

dwelling, I consider that there would be no material increase in overlooking or loss of privacy to habitable rooms in the neighbouring properties.

11. I also observed on my site visit that due to the sloping nature of the rear gardens together with the existing low level post and wire boundary fencing, that there is already a significant degree of overlooking to neighbouring gardens. Whilst the terrace is at a higher level, I do not consider that it results in any increased loss of privacy in this regard.
12. The upper decked area has a length of just less than 18 metres and at its highest point is around 1.9 metres above the natural ground level. The decked area when completed would have stained timber sleepers to the side garden boundaries with neighbouring properties so that it would have the appearance of a garden fence. However as result of the height and scale of the development I consider that the structure appears overbearing having an adverse effect on outlook for the occupants of neighbouring dwellings.
13. I therefore conclude that the development causes harm to the living conditions of the occupants of neighbouring properties. It fails to comply with Policy 7.6 of the London Plan 2016, Saved Policy UD8 of the Croydon Plan 2006 and the Councils Supplementary Planning Document No 2– Residential Extensions and Alterations. These policies aim to protect the amenity of occupiers of surrounding buildings ensuring that new and existing occupiers are protected from undue visual intrusion and loss of privacy.

Other matters

14. I note the appellant's comment that the existing rear garden is impractical and that altering the land levels at a distance from the house provides a more usable garden area. However the garden is very long and there is already a good size usable patio area immediately adjacent to the house. I accept that the existing levels make the rear part of the garden less easy to use but this does not justify the significant reprofiling of the rear garden which impacts negatively on the street scene.

Conclusion

15. I have found that the appeal development would cause harm to the character and appearance of the area and to the living conditions of the occupants of neighbouring dwellings with regard to outlook.
16. For the reasons given above and having regard to all other matters raised I dismiss this appeal.

Helen Hockenhull

INSPECTOR