

Appeal Decision

Site visit made on 6th February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/D5120/D/16/3165641
274 Woolwich Road, London, SE2 0DW.

- 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 J Hinton against the decision of the Council of the London Borough of Bexley.
 - The application Ref: 16/02372/FUL, dated 22 August 2016, was refused by notice dated 18 October 2016.
 - The development proposed is retrospective permission sought to retain existing garden structures and decking on a sloping site of a private dwellinghouse.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) the living conditions of surrounding occupiers, by virtue of the potential for loss of outlook, light and privacy.

Reasons

3. The appeal site comprises a semi detached property with a long narrow rear garden. This has a considerable fall in levels towards Lesnes Abbey Woods which lie to the North and which are designated as an Area of Metropolitan Importance for Nature Conservation (AMINC) and Metropolitan Open Land (MOL) in the Bexley Council Unitary Development Plan 2004 (UDP).
 4. The rear garden has been engineered into a series of four level terraced areas; the first being closest to the house and surfaced in gravel and paving. A series of steps then descends to a timber decked area (level 2). A series of somewhat steeper steps descends to level 3 which is surfaced in astroturf. The difference in height between levels 2 and 3 has facilitated the provision of a covered storage space beneath the former. Beyond the end of level 3 a raised decked area has been constructed supported on a substantial steel and timber framework (level 4), the perimeter of which has steel balustrading with glass panels. A series of paved steps descends to one side, affording access to a large void beneath it.
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5. The substantial amount of engineering works to form the level terraced areas has completely recontoured the rear garden. Levels 2 and 4 in particular are substantially elevated relative to several of the gardens to the East and West. Level 3 appears to be closest to original ground levels, but this cannot accurately be discerned in the absence of information concerning former levels.
6. Whilst decking areas are commonplace in suburban gardens, because of the severe slope of the land, what has been undertaken here is so substantial in scale, that it is excessively engineered and appears visually intrusive when seen in the context of the generally more naturalised gardens beyond. The perimeter steel and glass balustrades to levels 2 and 4 add to the strident appearance of the terraces and they will be a dominant and intrusive feature when viewed from a significant number of nearby gardens.
7. At my visit, I also walked the well used public footpath which traverses Lesnes Abbey Wood along the rear boundaries of this row of houses. From this vantage point, the substantial platform to level 4, which is elevated several metres above path level, dominates the woodland setting and appears as a strident and intrusive urban structure, totally out of character with the naturalised woodland setting. The large void area beneath adds to its incongruity and it would be impossible to screen it effectively, without excessively high boundary treatment, which would merely add to the massing of the structure.
8. Whilst I saw examples of terracing to other gardens in the vicinity, I saw none bearing any resemblance to the appeal proposal in scale or extent. The level 4 terrace and its supporting structure is particularly unsightly when viewed from the path, as most other gardens have formalised landscaping and garden structures at the upper levels closest to the houses, which are seen at a distance. In general, the gardens at their lowermost sections closest to the woodland appear more naturalised, which presents a graduated transition between the urban and the rural. In this context, the proposal appears wholly out of place.
9. On the first main issue, I thus conclude that the proposal would seriously harm the character and appearance of the area. This would bring it into conflict with Policies H9 and ENV39 of the (UDP), together with Policy 7.4 of the London Plan 2016 (LP), which seek to ensure that new development is of a high standard of design, which is compatible with the prevailing character of the area and contributes to a positive relationship between the urban structure and natural landscape features. However, I find no conflict with Policy ENV15 of the UDP or Policy 7.17 of the LP, as these relate to development within the MOL which does not apply to the proposal. In relation to ENV23, there is no evidence to suggest that the proposal has resulted in damage to or the destruction of habitat within the adjacent Lesnes Abbey Woods AMINC and I thus see no conflict therewith.
10. In relation to the second main issue, level one appears to have been built up, but not to the extent it is unduly elevated or intrusive to the properties either side and the adjoining garden to the East also has a raised patio. Any overlooking is also contained by solid timber fencing to the sides. Level 3 is slightly elevated to the garden to the immediate West, but it is impossible for me to ascertain to what extent the ground level of this area has been altered (if at all). Either way, the privacy of surrounding occupants is secured with a solid timber fence to either side. Level 2 is elevated relative to the garden to the

immediate West and level 4 is substantially elevated relative to both adjoining gardens to either side as well as those beyond. Because of these height differentials, I consider both levels 2 and 4 are over dominant and intrusive to the outlook currently enjoyed from these properties and their gardens in particular. In coming to this view, I am mindful that the development is capable of enduring for many years and would potentially affect future occupiers as well.

11. Both levels 2 and 4 also afford clear views from raised vantage points across several gardens to the properties to both the East and West. The views afforded are intrusive, unneighbourly and give rise to a severe loss of privacy to their occupants and I can well understand the sentiments raised in some third party submissions about being overlooked. I accept the appellant's point that not all neighbours have chosen to utilise the lowermost sections of their gardens in the way the appellant has. However, the views afforded from levels 2 and 4 are extensive and not confined just to the lowermost parts of the gardens. These concerns could not be overcome by screening, since the additional height pursuant thereto would render the structures more visually dominant and intrusive.
12. The reason for refusal also refers to loss of light to adjoining properties. There will be some overshadowing of adjoining gardens from the more elevated levels 2 and 4. However, the duration of this would be confined to part of the morning and late afternoon and the impact would also be limited to parts of these substantial gardens only. This matter does not therefore, add to my concerns outlined above.
13. Overall in relation to the second main issue, whilst I have found partially in favour of the appeal (specifically in relation to the matter of light), I nonetheless conclude that the proposal would be seriously harmful to the living conditions of nearby residents by virtue of being over dominant and intrusive when viewed from nearby gardens, giving rise to a loss of outlook therefrom and also causing a serious loss of privacy. This would bring it into conflict with Policies H7, H9 and ENV39 of the UDP, which seek to ensure that development does not adversely affect the amenities of adjoining residents, through amongst other things, loss of outlook, privacy and over development. I recognise that the appellant's intention was to provide a more functional garden area for the household, which comprises children and older members. Nonetheless, I consider the benefit offered in this regard is clearly outweighed by the harm identified.

ALISON ROLAND

INSPECTOR