
Appeal Decision

Site visit made on 8 August 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 11 August 2017

Appeal Ref: APP/L5240/D/17/3176707

71 Queen Mary Road, Upper Norwood, London SE19 3NL

- 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 Melbourne against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/00643/HSE, dated 4 February 2017, was refused by notice dated 3 May 2017.
 - The development proposed is a new staircase/decking area at the rear of the property.
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Decision

1. The appeal is dismissed.

Procedural matter

2. I note from the planning application and my observations on site that the application is retrospective. The staircase and decking have been erected and I have determined the appeal on that basis.

Main Issue

3. The main issue is the effect on the living conditions of the occupants of adjoining residential properties with particular reference to privacy.

Reasons

4. The appeal site comprises a self-contained first floor flat which is part of a terrace of two storey residential properties. The building has a two storey rear projection which contains a glazed utility room from which a raised deck area and stairs lead to a narrow rear garden. Properties in the vicinity of the site have a close relationship to one another and form a relatively dense residential character. I observed at my site visit that some nearby properties have been altered and extended in various ways, including external terraces and staircases to rear gardens.
5. The appellant contends that the main purpose of the development is to provide access to their rear garden which is at a lower level than the flat. However, I noted at my site visit that the raised decking is being used as an external seating area. I also understand that a staircase is necessary in order to gain access to the rear garden. However, the area of the raised decking is of a suitable size for outdoor seating whereas the previous raised deck would not have been readily useable for such purposes due to its very limited size.

Consequently, although the new terrace is not particularly large it is clear that it has significantly increased the opportunity for being used as an outdoor terrace and for observing the immediate surroundings rather than it merely being a means of accessing the rear staircase to the garden.

6. I understand that it is almost inevitable that those accessing the rear garden will previously have had an opportunity to overlook nearby residents' private amenity space. That opportunity has been significantly increased by the development and the overlooking would be significantly exacerbated by the larger raised decking which allows very direct intrusion at close quarters.
7. The appellant has pointed out that the small room at the rear of the property which is described as a sun room/conservatory already allows relatively extensive views to the side and rear. However, I observed at my visit that the room in question is a small utility room and is not used as living space. As such, the proposal would significantly and unacceptably increase the degree of intrusive overlooking into the private rear gardens of adjoining properties.
8. Although some light weight screening has been erected around the terrace to limit overlooking from a seated position, anyone standing on the terrace would be able to look directly into adjoining residents' rear gardens. Therefore, although the screening does provide some mitigation I do not find that it is sufficient to overcome my significant concerns regarding potential overlooking and loss of privacy.
9. The appellant has also expressed a willingness to comply with any Council requirements in relation to the existing screening or alternative designs. However, in order to sufficiently mitigate the harm caused in terms of overlooking and loss of privacy the screening would need to be of a height that would significantly increase the bulk, scale and prominence of the development and would be visually intrusive in the locality. Furthermore, the appeal process should not be used to evolve a scheme and it is therefore important that I consider essentially what was considered by the local planning authority.
10. There are some other small terraces and staircases in the area and I understand that similar structures have been granted by the local planning authority and installed elsewhere. However, I do not know the circumstances of those cases and cannot be certain that they represent a direct parallel to the appeal proposal. In any case, I have determined the current appeal on its own merits.
11. Therefore, I find that the development has an unacceptable harmful effect on the living conditions of the occupants of adjoining residential properties with particular reference to privacy. Therefore, it is contrary to Policy UD8 of the Croydon Replacement Unitary Development Plan The Croydon Plan Written Statement Adopted 13 July 2006 and Policy 7.6 of The London Plan Consolidated with Alterations Since 2011. Among other objectives these seek to ensure that existing occupiers are protected from undue visual intrusion and loss of privacy and structures should not cause unacceptable harm to the amenity of surrounding land and buildings.

Conclusion

12. For the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR