



Appeal Decision

Site visit made on 8 June 2020

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2020

Appeal Ref: APP/B5480/D/20/3244592

6 Beverley Gardens, Hornchurch RM11 3PA

- 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 Michael Edwards against the decision of the Council of the London Borough of Havering.
 - The application Ref P0992.19, dated 25 June 2019, was refused by notice dated 5 December 2019.
 - The development proposed is described as "*rear timber outbuilding storage shed with raised pool access, seat and pump/filter housing*".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of proposed development from the planning application form, although I note this is expressed differently on other documents.
3. The appellant indicates that the development as applied for has been commenced. I was able to access the raised deck as illustrated on drawing 'Proposed, Existing Storage Shed Timber Outbuilding with raised pool access, seat and pump & filter housing'. In addition to what has been erected at the site, the proposal also seeks to extend the existing storage shed and add loungers to the deck area at a lower height to that of the deck (as illustrated on drawing 'Proposed, Extended Storage Shed Timber Outbuilding with raised pool access, Lounges and pump & filter housing'). Whilst I have no reason to doubt that the development that has taken place thus far has been done so in accordance with the submitted plan, for the purposes of clarity I have considered the appeal on the basis of the existing proposed plan and the proposed extensions.

Main Issue

4. The main issue raised by this appeal is the effect of the proposed development upon the living conditions of adjoining existing occupiers.

Reasons

5. The existing swimming pool with associated raised pool access, pump and filter house and storage shed are located at the foot of the rear garden. The

proposal hosts a raised deck adjacent to the pool that facilitates access to and from the pool via steps leading from the garden. From the raised deck area clear views over the boundary fence are easily obtained of the private rear garden of the residential property north of the appeal site. In addition, views are also obtained into the garden and toward the rear windows of the adjoining property to the east over the boundary fence. This is so even with the existing storage shed being in place.

6. The gardens of the adjoining properties are places in which the occupiers are likely to spend a reasonable amount of their time, particularly during those clement months of the year. The proposal, in its existing proposed form, would allow those using the pool to have clear uninterrupted views into the rear living environments of the adjoining properties. This would result in a significant loss of the privacy to those adjoining occupiers. For this reason, the proposed development would be harmful to the occupiers of these properties as it would substantially diminish the privacy that those occupiers should reasonably expect to enjoy.
7. The proposed extension to the store would remove decking to the east and replace it with an extension to the existing shed. In addition, proposed alterations to the decking would incorporate loungers that would reduce the width of the raised deck area. These extensions and alterations would lessen the overall amount of raised decking area. Whilst the pump house is proposed to be roofed in felt I do not consider this would discourage it from being used as part of the deck area. These alterations would not prevent those using the pool from obtaining direct observation of the garden to the north and toward the rear of the dwellinghouse of the adjoining property to the east. As such, they would not overcome my concerns relating to the privacy of the existing adjoining occupiers.
8. For the above reasons, the proposed development, either in its existing proposed form or its proposed extended and altered form, would be harmful to the living conditions of adjoining existing occupiers. The proposal would, therefore, conflict with Policy DC61 of the LDF Core Strategy and Development Control Policies Development Plan Document and the Residential Extension and Alteration Supplementary Planning Document (SPD). This policy and SPD seek, amongst other matters, development not to result in overlooking or loss of privacy to existing properties.

Conclusion

9. Having regard to the above findings, the appeal should be dismissed.

Nicola Davies
INSPECTOR