
Appeal Decision

Site visit made on 24 June 2020

by David Wallis BSc (HONS) PG DipEP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 June 2020

Appeal Ref: APP/J1535/D/19/3241805
178 Buckhurst Way, Buckhurst Hill IG9 6HZ

- 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 Claudio Filipe Lopes De Oliveira against the decision of Epping Forest District Council.
 - The application Ref EPF/1632/19, dated 27 June 2019, was refused by notice dated 10 September 2019.
 - The development proposed is raised decking area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as it appears on the decision notice rather than that on the application, given that it is concise and adequately describes the proposal. This would not prejudice the appellant in any way.
3. A development, partially resembling the appeal proposals, was present at the time of my site visit and looked to have been completed. I deal with this later in my decision.

Main Issue

4. The main issue for the appeal is the effect of the development upon the living conditions of neighbouring occupiers with regards to privacy.

Reasons

5. The appeal site is central to a terrace of dwellings, which are predominantly three storeys at the rear, with a proportion having single storey extensions projecting rearwards. The ground falls away to the east across modestly sized private gardens. A small number of properties within the terrace have raised platforms within their gardens, with stepped access down into the lawn areas.
6. From my site visit the original raised walkway at the rear of the appeal site had been removed to facilitate construction of the appeal development. From the plans accompanying the appeal, the original walkway would have been a functional structure rather than for recreational purposes, simply facilitating access from the house into the garden.

7. The proposal would significantly increase the scale and extent of the raised platform, making a practicable and useable outdoor space. Whereas the ground falls, with subsequent falls in the height of boundary fencing, the proposed platform would create a level surface at a continual height projecting towards the site boundaries and into the private garden of No 178 Buckhurst Way.
8. The outdoor space created by the proposal would result in greater activity within the garden area. This activity, when coupled with the proposed extent of the platform, would significantly increase the potential for overlooking. At a higher level compared to the ground and boundary fence, the platform would likely allow unrestricted views into the gardens and rear facing rooms of the adjoining occupiers.
9. I am cognisant that the structure built on site at the time of my visit incorporated 'hit and miss' style timber screens either side of the raised platform in an attempt to secure privacy. However, these screens do not feature as part of the plans upon which the Council made its decision, nor are they referred to in any of the appeal documentation. I give such matters no weight in my decision.
10. I acknowledge that some properties in the terrace benefit from raised platforms, elevated sitting out areas and decking at present. However, I have no evidence before to conclude whether these structures are lawful or otherwise. In any case, I have determined this appeal on its own merits. The presence of juliette balconies does not change my view, since views from these are channelled by design towards the east and not into neighbour's gardens.
11. On this basis, the proposal would adversely affect the living conditions of neighbouring occupiers through a harmful loss of privacy. This would conflict with saved policy DBE9 of the adopted Epping Forest Local Plan and Alterations 1998 and 2006, which requires that development should not result in an excessive loss of amenity or neighbouring properties.

Conclusion

12. For the reasons given above, the appeal is dismissed.

David Wallis

INSPECTOR