



Appeal Decision

Site visit made on 16 November 2020

by Rebecca Thomas MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 January 2021

Appeal Ref: APP/E5330/D/20/3248249

138 Sidcup Road, Eltham, London SE12 9AJ

- 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 N Oni-Isibor against the decision of the Council of the Royal London Borough of Greenwich.
The application Ref 19/3814/HD, dated 5 November 2019, was refused by notice dated 11 December 2019.
 - The development proposed is raising the rear garden as a result of paving.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The development had been started at the time of my site visit.
3. The Council have raised concern about the accuracy of the submitted plans and there is disagreement between the parties over the extent of the development. Notwithstanding, there appears to be common ground that the development proposed is to create a raised patio area. I am able to see from the submitted plans that the garden was accessed via steps to a raised area which has now been extended although the paving area was not completed.
4. It appears to me from the plans and appeal documents submitted by the appellant and Council that the proposed development was to create level ground across the garden area. I was able to see that this was the case during my site visit and I therefore have made my decision on this basis.

Main Issues

5. The main issue is the effect of the proposed development living conditions of the occupants of no. 136 and no.140 Sidcup Road and no. 120 Alwold Crescent having particular regard to privacy.

Reasons

6. The site is the rear garden of a residential dwelling and there is a single storey extension and the appeal development is beyond that. I was able to see that all gardens on this stretch of Sidcup Road were sloping, with the houses set at a lower level than the highest part of the garden. The gardens to the adjacent properties at numbers 136 and 140 have sitting areas adjacent to the rear of the houses, with sloping grassed areas beyond, leading to higher ground at the

rear of the gardens. There are low boundary fences or walls between properties which follow the slope of the land.

7. It appears that the previously grassed area at the appeal site has been levelled to provide a garden area that is at the same or similar level as the highest point of the garden. The sloped area has been removed and the level ground accessed via steps to the side. The effect of this is to bring higher land closer to the rear of the host dwelling and consequently to the rear of the neighbouring properties.
8. Whilst I acknowledge that the proposed development would be, in part, as a result of paving, the provision of an increased area of higher ground removes the protection to neighbouring properties from overlooking which was previously provided by the sloping land which created a suitable distance from the sensitive rear areas to properties. I consider the development therefore would cause unacceptable harm to the privacy of the immediate neighbours.
9. I was able to see that the appeal site backs on to the rear garden of no. 120 Alwold Crescent. Whilst this property is close to the development, it appears that the higher ground at the appeal site has not increased in height or proximity and so any overlooking to that neighbour would not be exacerbated any further.
10. For these reasons I conclude that the raised patio area would have a harmful effect on the living conditions of numbers 136 and 140 Sidcup Road. In failing to comply with Policy DH(b) of the Royal Greenwich Local Plan; Core Strategy with Detailed Policies (July 2014) and the guidance within the Residential Extensions, Basements and Conversions SPD (December 2018) the development cannot comply with the development plan taken as a whole.

Other Matters

11. The appellant points out that the land level at no. 136 is significantly lower than those at the appeal site and no. 140. I am not provided with evidence to demonstrate how this would mitigate the effects of the development and nevertheless this does not affect my findings above.

Conclusion

12. I have found that there is harm to the living conditions of the neighbouring properties and for the reasons above the appeal be dismissed.

Rebecca Thomas

INSPECTOR