



Appeal Decision

Site visit made on 15 February 2021

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 March 2021

Appeal Ref: APP/W5780/D/20/3263988

39 Meadgate Avenue, Woodford Bridge, London, IG8 8DR

- 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 Mrs Denise Grosvenor against the decision of London Borough of Redbridge Council.
 - The application Ref 2635/20, dated 20 August 2020, was refused by notice dated 29 October 2020.
 - The development is construction of a 1.5m high raised timber deck with access stairs thereto, including 1.2m balustrade, immediately adjacent to, and to provide disabled access to, existing Intex On-Ground pool to rear of garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on the living conditions of occupiers of 37 and 41 Meadgate Avenue with particular regard to overlooking and the effect of the development on the character of the property.

Reasons

Living conditions

3. The decking is situated adjacent to the boundary fence, which divides the gardens of numbers 37 and 39 Meadgate Avenue. The platform is approximately 0.3 metres from the top of the fence and measures approximately 9 square metres. It is accessed by stairs and has a timber spindle balustrade measuring approximately 1.2 metres high.
4. At the time of my site visit the development was complete and I was therefore able to stand on the raised timber deck and observe the level of overlooking. It was evident that anyone either sitting or standing on the decking would have clear views over the whole of the rear garden of number 37, including its rear patio area and into the rear windows of the house, which is approximately 12 metres away. Much of the garden of number 41 would also be clearly visible although the ground floor windows and part of the area immediately to the rear of that property are partially screened by a single storey outbuilding.
5. I understand that the stairs and decking area are required in order to provide improved safety and access to and from the swimming pool for the appellant's daughter Laura, who is a mentally and physically disabled adult. This requires

- the assistance of at least two other adults, hence the size of the platform and width of the stairs. However, I have no way of controlling or limiting the use of the decking for this purpose alone. At the time of my visit there were 2 sun loungers on the decking, which are presumably used by the carers whilst Laura is in the pool and whilst they wait to help her out.
6. I acknowledge that the neighbouring rear gardens will be visible from the first and second floor rear windows and that using a ladder or hoist to access the pool would also enable views over the fence. I also accept that children living at neighbouring properties can see into the garden of the appeal site when climbing onto their shed roof or jumping on their trampoline. However, the trampoline, ladder or hoist would only allow short glimpses and sitting on a shed roof or standing at a bedroom window are not activities that would normally take place for long periods of time. One or more persons using the decking by the pool is something, which could realistically occur for long periods of time, especially when the weather is good. This would lead to neighbours feeling uncomfortably and excessively over looked whilst trying to also make the most of the nice weather and enjoy their own gardens with some degree of privacy.
 7. The information submitted with the appeal explains that the decking was constructed following the introduction of Coronavirus restrictions at which point Laura was no longer able to attend her usual Monday to Friday day care where she would have been provided with appropriate activities 7 hours per day. Public swimming pools were also closed.
 8. The appellant, who is also registered disabled, considers that the overlooking issue is outweighed by the needs of the disabled occupants. Whilst I do not doubt that accessing the swimming pool is beneficial to both the physical and mental wellbeing of the appellant and her daughter, there is no evidence before me of any medical need for a swimming pool for either of the disabled occupants and there is no evidence before me to suggest that such a need cannot be met elsewhere following the role out of the Coronavirus Vaccination programme and the planned re-opening of day care and leisure facilities in the near future.
 9. I also do not doubt that the pool step ladders that I saw on my site visit would not provide safe and suitable disabled access to the pool. However, there is insufficient evidence before me to confirm that there are no other safe, practical and viable options for accessing the pool that would reduce the overlooking issue caused by the current solution.
 10. I therefore conclude on this issue that the raised decking does not accord with Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (adopted March 2018), which seeks to ensure that new development respects the privacy of surrounding residents and does not result in overlooking of neighbouring occupiers. The evidence currently before me is not sufficient to outweigh this conflict.

Character of the property

11. The decking, despite its height, is not visually prominent. Only the timber balustrade projects above the fence line and this is not solid or obtrusive. With the exception of its necessarily large platform, which could be comfortably occupied by several people for long periods of time, it is little different to other

typical timber garden structures such as gazebos, pergolas and children's climbing frames, which are often visible above fences.

12. The structure is located at the end of the garden and to my mind it does not detract in any way from the character of the property, which is an extended semi-detached council house of no special architectural or historic importance. It also has no adverse impact on the character of the surrounding area.
13. I therefore find no conflict with Policies LP26 and LP30 of the Redbridge Local Plan 2015-2030 (adopted March 2018) with regards to visual impact or the impact on the character of the property and gardens.

Other matters

14. The appellant's grounds of appeal refer to a number of enforcement documents. As this is not an enforcement appeal these documents are of little relevance.
15. The council's reason for refusal makes reference to the Housing Design Supplementary Planning Document (adopted September 2019). I have not been referred to any specific part of this document and cannot see any guidance within it which is relevant to this type of garden structure.

Conclusion

16. For the reasons given above the appeal is dismissed.

Rachael Bartlett

INSPECTOR