The Planning Inspectorate

Appeal Decision

Site visit made on 7 December 2021 by Emma Grierson BSc (Hons) MSc MRPTI

Decision by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2022

Appeal Ref: APP/D5120/D/21/3280798
24 Hemmings Close, Sidcup DA14 4JR

- 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 Ng against the decision of London Borough of Bexley.
- The application Ref 21/00630/FUL, dated 24 February 2021, was refused by notice dated 24 May 2021.
- The development is the installation of 2 CCTVs in the front yard and backyard respectively for security.

Decision

1. The appeal is allowed and planning permission is granted for the installation of 2 CCTVs in the front yard and backyard respectively for security at 24 Hemmings Close, Sidcup DA14 4JR in accordance with the terms of the application, Ref 21/00630/FUL, dated 24 February 2021, subject to the following conditions:

   1) The development hereby permitted shall be carried out in accordance with the following approved plans: 24HC-CCTV-ELEVATION-VIEWS, 24HC-CCTV-SITE-PLAN AND SGL588127.

   2) The CCTV cameras hereby permitted shall be positioned and sited to ensure that they are solely focused upon the curtilage of the host dwelling at all times and shall be retained as such thereafter.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. During my site visit I saw that the CCTV cameras had already been erected. I have therefore considered the appeal on a retrospective basis.

Main Issue

4. The main issue in the appeal is the effect of the development on the living conditions of the occupiers of 23 Hemmings Close in relation to privacy.

Reasons for the Recommendation

5. The appeal property is a two-storey detached dwelling located within the residential cul-de-sac of Hemmings Close. The development has introduced two

CCTV cameras to the appeal site, one in the front garden and one in the rear garden. These are mounted on timber poles at a height of approximately 2.6 metres.

6. The CCTV cameras are mounted on the pole in a fixed position and have been located to face the host dwelling. Although they are higher than the boundary fences, this fixed position ensure that they do not result in any overlooking into the neighbouring property, No.23 or the adjacent school playing field.

7. The poles are of substantial construction with a wired electrical power source and would not be easy to move or relocate. Nevertheless, a condition requiring the development to comply with the submitted plans would ensure that the poles and cameras could not be moved elsewhere within the site. A condition could also be imposed to ensure that the CCTV cameras face the host dwelling so as to make the development acceptable in planning terms. The condition will ensure that the development can be enforced against if the requirements are not met.

8. It is also noted that the cameras are able to record sound. However, this would also be possible for CCTV cameras which do not require planning permission and such cameras would be controlled under non-planning legislation. Therefore, this is not considered a sufficient reason to dismiss the appeal.

9. I conclude that the development preserves the privacy of the occupiers of No.23 and does not cause harm to the living conditions currently enjoyed. Accordingly, the development complies with Policies ENV39 and H9 of the Bexley Council Unitary Development Plan (2004) which seek to ensure that new development does not prejudice the environment of the occupiers of adjacent property or adversely affect their privacy.

Conclusion and Recommendation

10. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Emma Grierson

APPEAL PLANNING OFFICER

Inspector's Decision

11. I have considered all the submitted evidence and the Appeal Planning Officer's report and agree that the appeal should be allowed with the suggested conditions.

R C Kirby

INSPECTOR