



Appeal Decision

Site visit made on 21 February 2022

by Nicola Davies BA DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 March 2022

Appeal Ref: APP/E5330/D/21/3277472

37 Eversley Road, Charlton, LONDON, SE7 7LE

- 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 Sivasha Mapa against the decision of Royal Borough of Greenwich.
 - The application Ref 21/0866/HD, dated 8 March 2021, was refused by notice dated 4 May 2021.
 - The development proposed is raised decking.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has already taken place and I was able to view it at my site visit.
3. A revised version of the National Planning Policy Framework ('the Framework') has been published since the planning application was determined by the Council. I have had regard to the revised Framework in reaching my decision.

Main Issue

4. The main issue in this case is the effect of the development upon the living conditions of the adjoining occupiers, particularly in respect of overlooking and loss of privacy.

Reasons

5. The raised decking would facilitate elevated and direct observation of the rear gardens of both 35 and 39 Eversley Gardens. It would also enable those using the raised decking to have observation toward the rear elevations of those properties either side and into their internal living space and the recessed balcony at No 39.
6. The fencing along the common boundaries is low due to the elevated nature of the decking. The panelling around parts of the decking is clear glass. These offer little in the way of meaningful screening.
7. This is an area in which the development is tight knit. The closeness of properties and topography of the land results in some mutual observation. Nonetheless, the observation in this case of both the indoor and outdoor living spaces relating to the adjoining properties would be extremely close and direct. These living spaces, and particularly that of the indoor living environments, are

spaces in which the occupiers should expect to enjoy a reasonable amount of privacy. Given the proximity and height of the decking, the occupiers of those adjoining properties would have a sense of being observed by those using the decking. This would be harmful to the living conditions that the adjoining occupiers should reasonably expect to enjoy.

8. I saw that there are some other raised decks to the rear of properties along Eversley Gardens. However, their existence does not justify other raised decks to the rear of properties or the harm to neighbouring occupiers' privacy that would take place.
9. The appellant would agree to the provision of screens suggesting these could take the form of obscure glazed panels and that these could be secured by means of a planning condition. Any screening to the side boundaries that might obviate the harm that I have identified above would need to be of some height. This in turn could raise other planning concerns in relation to the development having an oppressive enclosing effect upon the living conditions of the adjoining occupiers. Therefore, I am not satisfied that such a planning condition could ameliorate the harm arising from the development sufficiently to allow permission to be granted.
10. For these reasons, I conclude that the proposed development would be harmful to the living conditions of the adjoining occupiers in respect of overlooking and loss to their privacy. The proposal would, therefore, conflict with Policy DH(b) of the Royal Greenwich Local Plan: Core Strategy with Detailed Policies that seeks extensions not to cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of privacy, amongst other matters, they enjoy. The proposal would also fail to accord with the environmental objectives of the Framework as it would not achieve a high standard of amenity for existing users.

Conclusion

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

Nicola Davies

INSPECTOR