



Appeal Decision

Site visit made on 22 March 2022

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 April 2022

Appeal Ref: APP/T5720/D/21/3284503

52 Parkway, Raynes Park, London SW20 9HF

- 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 Elizabeth Bloxham against the decision of the Council of the London Borough of Merton.
 - The application Ref 20/P/3898, dated 4 December 2020, was refused by notice dated 13 July 2021.
 - The development proposed is described as "the erection of timber deck which allows safe access to the garden from the existing extension".
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Decision

1. The appeal is allowed and planning permission is granted for the erection of raised timber decking and stairs in the rear garden with privacy screen at 52 Parkway, Raynes Park, London SW20 9HF in accordance with the terms of the application, Ref 20/P/3898, dated 4 December 2020, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 001 – 1:1250 Location Plan
 - 002 – 1:500 Block Plan
 - 005 Rev A – Proposed Ground Floor Plan
 - 006 Rev B – Privacy Screen Detail
 - 006 – Post Location Plan
 - 007 – Deck Frame Plan
 - 008 – Batten Location Plan
 - 009 – Decking Plan
 - 010 – Proposed Rear Elevation
 - 010 – Section A
 - 011 – Section B Stair Detail
 - 2) Unless within 1 month of the date of this decision the timber privacy screens shown on approved drawing no. 006 Rev B (Privacy Screen Detail) are fully installed, the raised timber decking hereby approved shall not be used for sitting out or any similar purposes, and it shall not

be brought back into use until the privacy screens have been fully installed.

The privacy screens shall be retained permanently thereafter in good repair for so long as the decking and steps to the garden remain.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. However, a different wording was used on the Council's original decision notice. The amended wording more accurately describes the development, and I have therefore used that for the formal decision in paragraph 1.
3. The development for which planning permission is sought has been partially constructed, and I was able to view the decking and stairs at the time of my site visit. I have considered the appeal on the basis that the development has already commenced.
4. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. The single reason for refusal on the Council's decision notice did not refer to the Framework, and as the parts of the Framework most relevant to this appeal have in any case not been significantly amended, I consider that there is no requirement for me to seek further submissions on the revised Framework. I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issue

5. The main issue is the effect of the development on living conditions for the occupiers of the neighbouring property at No 50 Parkway, with particular regard to noise disturbance and privacy.

Reasons

6. The appeal property is a two-storey semi-detached house, forming a pair with the attached No 50 on the south-west side of Parkway. As a result of the sloping topography of the area the land falls away from the front of the site to the rear, so that the ground floor level is raised some way above the rear garden.
7. No 52 has a single-storey rear extension at raised ground floor level. Behind this the timber deck and staircase for which planning permission is now sought has been erected, although not all of the metal balustrade shown in the submitted drawings was in place at the time of my site visit. The complete proposal also includes a timber panel privacy screen at the edge of the decking and stairs adjacent to No 50, though this also was not in place at the time of my visit.
8. All of the evidence before me, including my observations on site, suggests that there is already a wide variety of styles of raised decking, terraces and suchlike

at the rear of properties on Parkway. The occupiers of No 50 commented that the prevailing pattern is for the stairs linking terraces to the lower rear garden to be sited away from neighbours' fences, an observation borne out by most of the examples to which my attention was drawn (in both the neighbour's comments on the planning application, and in the submitted design and access statement). However, as the Council has noted, the patio space at the rear of the appeal property could already be used for amenity purposes, even if there were no decking in place.

9. Furthermore, there is also already a large raised deck at No 50 which, while not as close to the common boundary as that at the appeal property, projects slightly further into the rear garden. This demonstrates the established nature of the decks and terraces in the area, and the contribution which they make to residents' enjoyment of their homes and gardens. While it is inevitable that there will be some carrying of noise between the terrace at the appeal property and the rear garden of No 50, there is no substantive evidence before me to demonstrate why or how this would go beyond that which would be ordinarily expected in a suburban residential area, nor indeed that which occurs as a result of the use of the various decks and terraces already present. In this context, I consider that the siting of the staircase is not in itself likely to lead to a significant harmful level of noise disturbance for the occupiers of No 50.
10. Although the single reason for refusal on the Council's decision notice referred only to noise and disturbance, I have also had regard to comments made by the occupiers of No 50 in respect of impacts on privacy. These principally relate to people using the new stairs to and from the terrace at the appeal property being able to see into the large patio doors at the rear of No 50.
11. As presently configured, the stairs from the rear garden to the deck are alongside an arch-topped panel fence. As the height of the fence has not been raised, anyone climbing the stairs at present is able to see over the fence, and therefore has a reasonably clear view into the rear garden and rooms of No 50, as I saw for myself on my site visit. However, the application for planning permission includes a proposal for a timber panel privacy screen, to be approximately 2m high above the stairs and the decking itself. This would eliminate any harmful overlooking from the stairs into the rear doors of No 50. It would also reduce overlooking of the lower patio at the appeal property from the rear decking of No 50.
12. Subject to the use of an appropriate condition to secure the prompt installation of this privacy screening, I am satisfied that the development is not harmful to living conditions for the occupiers of No 50 Parkway. The development therefore complies with Policy DM D3 of the 2014 Merton Sites and Policies Plan ("the SPP"), which among other things seeks to protect amenity by ensuring that alterations and extensions to existing buildings do not result in noise or other disturbance which diminishes living conditions of existing and future residents.

Other Matters

13. As well as the issues which I have addressed already, the occupiers of No 50 expressed concern about several other matters. I am satisfied that any concerns about security arising from the siting of the stairs and decking close to the mutual boundary would be alleviated by the installation of the privacy screen, which would be in keeping with the height of existing boundary fences.

14. Concerns about the outflow from a drain pipe at the appeal property do not appear to relate to an element of the scheme before me, but instead would be a private matter between the parties. Finally, while the issue of impact on property values has also been raised, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land or property. None of the other matters which have been raised alters my overall conclusion.

Conditions

15. A condition defining the approved plans is necessary in the interests of certainty, and to define the permission. As there were some drawings with the same numbering, I have included drawing titles in the condition.
16. For the reasons I have set out above, a further condition requiring the installation of a privacy screen is necessary to protect the living conditions of neighbouring occupiers, and to ensure compliance with Policy D3 of the London Plan 2021, Policy CS14 of the 2014 Merton Core Strategy, and Policies DM D2 and DM D3 of the SPP; among other things these policies seek to protect amenity. I have slightly modified the wording suggested by the Council. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval and implementation of the screen before the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met.

Conclusion

17. The development complies with the requirements of the development plan. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be allowed.

M Cryan

Inspector