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## Appeal Decision

Site visit made on 15 June 2022

**by K Winnard LL.B Hons Solicitor**

**an Inspector appointed by the Secretary of State**

**Decision date: 27<sup>TH</sup> June 2022**

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**Appeal Ref: APP/P5870/D/22/3298514**  
**5 Grove Lane Coulsdon CR5 2QA**

- 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 Sanket Patel against the decision of the Council of the London Borough of Sutton.
  - The application Ref DM2021/02050, dated 30 September 2021, was refused by notice dated 31 March 2022.
  - The development is described as the retention of a single storey rear extension and creation of raised timber decking area with steps with proposed boundary screening.
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### Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension and raised timber decking area with steps with boundary screening at 5 Grove Lane Coulson CR5 2QA in accordance with the terms of the application, Ref DM2021/02050, dated 30 September 2021, and the plans submitted with it, subject to the following conditions:
  - 1) The development hereby permitted shall be carried out in accordance with the following approved plan No 1715/001E.
  - 2) The flat roof of the extension hereby permitted shall not be used, all or in part, as a terrace or other amenity space. No railings, fences, walls or other means of enclosure shall be erected on this flat roof and no alterations shall be carried out to the elevation of the appeal property to form access to the roof.
  - 3) The approved screening in drawing No 1715/001E shall be implemented in full prior to occupation of the development and permanently retained thereafter.
  - 4) The development must be carried out in accordance with the provisions of the Planning Fire Safety Strategy.

### Procedural Matter

2. The Council amended the description of the development and I note that the applicant's agent has also utilised this description on the appeal form. I have used the Council's description as this provides a more accurate description of the development.

3. Planning permission has previously been granted for the erection of a single storey rear extension and the creation of a raised timber decking area with steps, (the 2017 permission).<sup>1</sup> A single storey rear extension and raised decking area have consequently been constructed. This has not been constructed in accordance with the plans approved under the 2017 permission. The Council has confirmed it has no objections to the single storey rear extension and its concerns relate to the construction of the raised decking area. The present appeal seeks to regularise the position.
4. I agree with the assessment of the Council in relation to the single storey rear extension and shall direct my assessment to the raised timber decking area.

### **Main Issue**

5. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of No 3 Grove Lane with regard to overlooking and privacy.

### **Reasons**

6. No 5 Grove Lane (No 5) is a semi detached dwelling sited at a higher level than, but set back from, its non adjoining neighbouring property, No 3. The rear gardens of both properties are separated by a timber fence, the upper part of which is a trellis screen. Grove Lane slopes south easterly to north westerly and the dwellings accordingly step up the road. Due to these differing levels and positioning between the dwellings, and the length of the rear gardens, none of the gardens in this location are afforded full privacy.
7. The decking replaces a previous raised terrace area at the rear of No 5. As a result of the differences in the set back of Nos 3 and 5, it is sited further into the rear garden of No 5 and away from the rear elevation of No 3. This set back and the installation of the decking well away from the side boundary of the two dwellings assists in offsetting the potential for overlooking and any impact on privacy. Accordingly those views from No 5 which are obtained of the decking/sitting area of No 3, where there are greater expectations of privacy, are limited. In addition, these views are only obtainable when standing from a vantage point on the extreme end of the raised decking. The instances where people would be standing in this area is likely to be very brief and would not in my view materially harm the privacy of neighbours.
8. From other vantage points on the decking, the views at this level do not in my opinion appreciably increase the extent of overlooking into other parts of the rear garden of No 3 from the previous arrangements. Whilst the concerns relating to privacy are understood, due to the sloping land levels there is already an amount of mutual overlooking from rear windows and gardens into neighbouring rear gardens. In these circumstances the raised decking is not unduly significant. As such, I am not persuaded that the living conditions in No 3 are significantly impacted such as to justify a refusal of permission.
9. Concerns have been expressed about the lack of a privacy screen on this boundary and that the decking as constructed is higher than that permitted under the 2017 permission. The plans submitted indicate that it is the supporting structure below the decking which is deeper than that approved under the 2017 permission. However the decking itself, is installed at finished

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<sup>1</sup> Application Ref. C2017/78595

floor levels with the rear single storey extension, as was the case under the 2017 permission. I do recognise that a perceived increase in the height of the decking and consequential overlooking from No 5 is understandable. The Council has indicated that the lack of a screen on the boundary with No 3 allows for undue overlooking. However, on this issue I note that the Council did not impose any condition to the 2017 permission in relation to the provision of a privacy screen on this boundary, notwithstanding the finished floor levels are the same. For the reasons stated above, I agree with the latter assessment.

10. I note that the Council has no concerns with regard to the design and materials of the development and the effect on the character and appearance of the host dwelling or the area. I agree with these assessments. A privacy screen is proposed on the boundary of the adjoining neighbouring property, No 7 Grove Lane. Having regard to the juxtaposition of the two dwellings and the proposed boundary treatment which can be secured by the suggested condition, I am satisfied that there is no material harm on the residential amenities of the occupiers of No 7.
11. For the above reasons the development would not result in unacceptable harm to the living conditions of the occupiers of No 3. I therefore conclude that the development is in accordance with Policy 29 of the Sutton Local Plan (adopted 2018) which provides, inter alia, that development should not adversely affect the amenities of those currently occupying adjoining or neighbouring properties.

### **Conditions**

12. The Council has suggested a number of conditions. Conditions in relation to the approved plan are necessary as this provides certainty. Conditions relating to screening and the use of the roof area of the extension are imposed as these are necessary in the interests of privacy. A condition in relation to the provision of a fire strategy is necessary to ensure the development incorporates and maintains necessary fire safety measures.

### **Conclusion**

13. For the reasons stated, I allow the appeal as set out in the formal decision above.

*K Winnard*

INSPECTOR