The Planning Inspectorate

Appeal Decision

Site visit made on 16 August 2022 by T Bennett BA (Hons) MSc

Decision by Kenneth Stone BSc (Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16th September 2022

Appeal Ref: APP/G5180/D/22/3296461
237 Wickham Chase, West Wickham, BR4 0BJ

- 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 Yuriy Salyuk against the decision of the Council of the London Borough of Bromley.
- The application Ref DC/20/04959/FULL6, dated 4 December 2020, was refused by notice dated 17 January 2022.
- The development is timber decking to rear of the property.

Decision

1. The appeal is allowed and planning permission is granted for timber decking to the rear of the property at 237 Wickham Chase, West Wickham, BR4 0BJ in accordance with the terms of the application, Ref DC/20/04959/FULL6, dated 4 December 2020.

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 Matter

3. At the time of my site visit the works had been carried out and completed in accordance with the submitted plans and they had been painted in a colour to coordinate with the house.

Main Issue

4. The main issue is the effect of the decking on the living conditions of the neighbouring occupiers at 235 Wickham Chase (No 235) with particular regard to privacy.

Reasons for the Recommendation

5. The appeal property is an end terrace two storey house which has previously been extended and with the rear garden gently sloping away from its rear elevation similar to surrounding properties. Due to the change in land levels the gardens are set at a substantially lower level than the ground floor and therefore raised patios and decking are a common feature at the rear of these properties.

6. The timber decking is elevated approximately 1.5 metres in height from the ground level of the garden, similar to the decking at No 235. The decking

extends to a maximum depth of 3.8m from the rear single storey extension and spans the full width of the property along with timber balustrading, privacy screens at both sides of the decking and timber steps down to the garden.

7. A mature tree, along the joint boundary with No 235, in the neighbouring properties ownership, obscures any partial views of the neighbour's raised patio area, that could be glimpsed when standing on the decking close to the boundary.

8. The position of the timber steps, located close to the boundary with No 235, is such that this end of the decking is a more transient area used for entering and exiting the decked area. Users are only facing the boundary when walking up the steps at which time they are preoccupied with looking where they are going. If sitting was to occur at this end, then the height of the existing privacy screen, irrespective of the tree, is more than sufficient to prevent any overlooking into No 235.

9. It was evident that communal activity takes place at the opposite end of the decking, which even when stood, makes it difficult to overlook the amenity space close to the rear of No 235. I accept that the decking does provide an expanded range of outlook, for the most part this is contained within the limits of the enclosed garden. Any overlooking is towards the access track between the appeal property and No 239 and the lower part of the garden at No 237. However, this would have been possible prior to the decking, from both the existing rear door, fenestration and previous raised area at the appeal property. Thus, I am satisfied that there is no additional loss of privacy in these areas over and above what would have been experienced previously.

10. The single storey rear extension at the appeal property means that the decking sits forward in relation to that at No 235. Consequently, any increase in height or length to the privacy screen on the shared boundary would be overbearing for the neighbouring occupiers of No 235. In any case, for the reasons discussed above, I consider the existing screening is sufficient in mitigating against harmful overlooking.

11. I also note that the occupiers of No 235 have not objected to the appeal scheme, and whilst in itself not determinative this is a reasonable indication that the perception of adjoining occupiers is not at one with the Council's assertion of significant harm. Indeed, the Appellant has submitted a letter in support from the owners of the adjoining property.

12. For the reasons outlined above, I find the decking does not harm the living conditions of the neighbouring occupiers at 235 Wickham Chase with regards to privacy. It therefore accords with Policy 37 of the Bromley Local Plan which requires development to respect the amenity of neighbouring occupiers.

Conditions

13. As the development has already been carried out in accordance with the submitted plans no conditions are relevant or necessary.

14. The Council have requested the decking to be treated in an appropriate colour. However, I observed at my site visit that the balustrading, privacy screens and horizontal facing boards had been painted grey, complementing the render on the host property. For this reason, the suggested condition is not necessary.

Conclusion and Recommendation

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

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Kenneth Stone

INSPECTOR