



Appeal Decision

Site visit made on 1 August 2023

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 August 2023

Appeal Ref: APP/G2245/D/23/3318544

4 Pine Close, Swanley, Kent BR8 8BL

- 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 Rob Avery against the decision of Sevenoaks District Council.
 - The application Ref 22/02642/HOUSE, dated 23 September 2022, was refused by notice dated 23 January 2023.
 - The development proposed is erection of a free standing pergola and raised platform.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a free standing pergola and raised platform at 4 Pine Close, Swanley, Kent BR8 8BL in accordance with the terms of the application, Ref 22/02642/HOUSE, dated 23 September 2022 and the Site Location Plan; Block Plan and Existing Pergola Layout Elevations.

Preliminary Matters

2. The Council's description of development refers to both the pergola and the raised platform which are shown in the submitted drawings. I have therefore used this description of development for clarity.
3. From my visit and on the basis of the evidence before me, the pergola and raised platform have been constructed and therefore the development is retrospective.

Main Issue

4. The main issue is the effect of the proposed extension on the living conditions of the occupiers of 3 and 5 Pine Close, with particular reference to privacy.

Reasons

5. The appeal property is a two storey semi-detached house with a small parking area to the front. The surrounding area is residential in character, and Pine Close itself is a cul-de-sac comprising tight-knit pairs of semi-detached dwellings of similar design to the appeal property. The property has a fairly long, albeit narrow rear garden.
6. 3 Pine Close's (No 3) rear ground floor elevation has a pair of glazed doors and a separate window which appear to supply a habitable room. As the raised platform is constructed up to the shared boundary with No 3, it has the potential to impact the privacy of occupiers of the neighbouring property.

7. The shared boundary between the appeal property and No 3 is marked by a wood panel fence with a trellis mounted atop. The fence and trellis are taller in the area immediately adjacent to the pergola and raised platform. This screens the majority of views from the raised platform towards No 3's rear doors and window. Any views which are possible towards No 3's windows and doors, for instance from a taller person standing on the platform close to the site boundary, are filtered by the trellis and are at fairly oblique angles. As the proposal does not allow direct views to the ground floor windows it does not cause a significant loss of privacy to the neighbouring occupiers within the ground floor room.
8. Views from the raised patio towards the ground floor windows on the rear elevation of 5 Pine Close (No 5) are also possible. The properties are separated by a driveway which provides access to garages to the rear. Due to the separation distance and the oblique nature of the views to the nearest windows, the proposal does not cause a significant loss of privacy to the occupiers of No 5.
9. Given their close-knit layout, properties on Pine Close already experience a degree of mutual overlooking between the houses and gardens, which is common within a residential area such as this. The appeal property's existing first and second floor rear windows direct views to the rear of its garden, albeit they allow angled views into the gardens of both adjoining properties. Whilst limited additional views from the raised platform into No 3 and No 5's gardens may be possible, given the extent of existing mutual overlooking, I do not find that this results in a harmful loss of privacy for the neighbouring occupiers.
10. For the reasons outlined above, I conclude that the proposal does not cause a harmful loss of privacy to neighbouring occupiers. Accordingly, I find no conflict with Policy EN2 of the Sevenoaks District Council Allocations and Development Management Plan (2015) which, amongst other aspects, outlines that development will be permitted where it does not result in an unacceptable loss of privacy for the occupiers of nearby properties.

Other matter

11. Concerns have been raised relating to additional noise associated with the proposal. Whilst the proposal provides space for outdoor cooking and sitting out, these activities are not unusual or unreasonable within a residential garden. Consequently, I do not find harm to the living conditions of neighbouring occupiers as a result of noise and disturbance.

Conditions

12. I have considered the conditions suggested by the Council taking into account the retrospective nature of the appeal. I have included the approved drawings, in the terms of my decision in the interests of certainty.

Conclusion

13. For the reasons outlined above, having regard to the development plan as a whole and to all other material considerations, the appeal is allowed.

B Pattison

INSPECTOR