



Appeal Decision

Site visit made on 29 May 2024

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2024

Appeal Ref: APP/W5780/D/24/3338369

39 Arundel Drive, Woodford Green, Redbridge, IG8 9BZ

- 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 James Halton against the decision of the Council of the London Borough of Redbridge.
 - The application Ref 2676/23 dated 10 September 2023, was refused by notice dated 17 November 2023.
 - The development proposed is the erection of rear / side raised decking terrace area with timber / greenery privacy fencing and steps leading into the garden.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application was made retrospectively and at the time of my visit the decking was in place.
3. The application form included a long description of the development and its background. The banner heading above uses the Council's description of the development as it appeared on the decision notice. This gives an accurate and concise description of the works that have been undertaken.

Main Issue

4. The main issue is the effect of the raised decking upon the living conditions of neighbouring occupiers with particular regard to privacy.

Reasons

5. The appeal property is a two-storey, semi-detached sub-urban dwelling within a residential neighbourhood. Due to the topography of the area, and in common with other properties to this side of Arundel Drive, the rear garden is set at a significantly lower level compared to the threshold of the dwelling. Plans show the property originally had steps leading down to the garden from a roughly centrally positioned door on the dwelling's rear elevation. The same door now gives level access to the raised deck (terrace) which extends over 4.5m beyond the main rear wall of the dwelling and which wraps around the side of the property adjacent to the flank elevation of 41 Arundel Drive. At its deepest point, the deck sits 1.73m above the level of the rear garden. The garden is now accessed by a flight of steps immediately adjacent to the boundary with No 41. There is a timber post and rail balustrade enclosing the

terrace, with a taller trellis and attached woven split bamboo screen to the side adjacent to the shared boundary with No 37.

6. During my visit I was able to stand on the terrace and observe the outlook. The decking extends approximately in line with an extension to the back of No 41. From its deepest point I was able to see, from close quarters and at an elevated position, directly into the most private part of the neighbours' rear garden where it sits nearest to that property's rear elevation. I find the privacy enjoyed by the occupiers at No 41 to have been significantly impacted as a consequence of the decking's height and depth. This is detrimental to the neighbours' living conditions.
7. The appellant has suggested that a bush be planted to fill a gap where otherwise fairly dense vegetation exists along the boundary with No 41. However, the long-term efficacy of this to provide screening could not be relied upon nor guaranteed. Neither am I persuaded that a fence panel in this same position would achieve an adequate level of mitigation due to the height from where sight over the garden can be had.
8. To the other side, I saw that the bamboo screen effectively blocks any meaningful sight over the most private parts of the rear garden to No 37 which sit nearest to that property's unextended rear elevation adjacent to the shared boundary with the appeal property. However, this did not appear to me to be an integral part of the decking's construction. Further, any greenery added along this boundary, as shown on the plans which accompanied the application, could not be relied upon to create a permanent screen. The long-term effectiveness of the bamboo screen adds to my concern generally about the harmful effects upon neighbours' living conditions.
9. I have carefully considered the outlook from the existing rear facing windows at No 39 but I am in no doubt that due to its depth and its purpose for providing an outdoor amenity area, the decking has created significantly more frequent and prolonged opportunities for anyone using the space to gain sight over neighbours' gardens to a degree that is harmful.
10. My attention has been drawn to various other forms of raised structures to the rear of some properties along this stretch of Arundel Drive. Some of these have been photographed by the appellant and I was able to see them for myself from a public park adjacent to the rear boundaries of these properties, albeit from a distance. However, I have been provided with no details to the planning background to any other structure. Neither was it clear to me from any of my observations, or from any information before me, that the impact from, or context of any other raised platform, was equivalent to the decking at No 39. I have considered the appeal based upon the individual merits of the case and the evidence presented to me.
11. I appreciate the appellant's desire to provide a safe route down from the house to the lower level of the garden, but there is no evidence to suggest to me that the dwelling's original form did not achieve this or that the current arrangement is the only other solution.

Conclusion

12. For the reasons given, I find the decking to be harmful to the living conditions of neighbouring occupiers. By failing to avoid any adverse impact upon the

amenity of neighbouring occupiers in relation to overlooking and privacy, the development is contrary to Policies LP26 and LP30 of the Redbridge Local Plan 2015 – 2030 March 2018. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR