



Appeal Decision

Site visit made on 24 July 2024 by M Long BA (Hons) MSc MRTPI

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 September 2024

Appeal Ref: APP/E5330/D/24/3338143

180 Marmadon Road, Plumstead, Greenwich SE18 1EQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr L Baralee against the decision of the Council of the Royal Borough of Greenwich.
 - The application Ref is 23/3441/HD.
 - The development is the retention of rear terrace and single storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. In the banner heading, I have chosen to include the description of development used by the Council in the decision notice and by the appellant in the appeal form as it more accurately describes the development shown on the plans provided. This description was also confirmed by the Council to the appellant in writing during the application process.
4. The planning application was made retrospectively and I observed the completed rear extension and terrace during my site visit. The appeal has therefore been considered on a retrospective basis.
5. Third-party concerns have been raised regarding a canopy at the site. However, a canopy does not form part of the description of development nor the Council's reasons for refusal. The drawings include a canopy, however it is smaller than the canopy that I observed during my site visit. In any case, given that I am recommending dismissal of this appeal for other reasons, it has not been necessary to seek any further clarification on this matter.
6. The Council's reasons for refusal refer to inconsistencies identified across the suite of plans. However, the appellant has confirmed that the details contained in Drawing No 02 are correct and I was able to see the development undertaken and the relationships with neighbouring properties on my site visit. As such, the submitted documents and my observations on site are sufficient for me to reach a decision on the main issue of the appeal which relates to the effect on neighbouring living conditions.

Main Issue

7. The main issue is the effect of the development on the living conditions of occupiers at 178 Marmadon Road (No 178) with regard to privacy and at 182 Marmadon Road (No 182) with regard to light and outlook.

Reasons for the Recommendation

8. As the appeal terrace extends a substantial distance into the rear garden of No 180, it maintains an elevated ground level whereas the boundary fence and ground level at No 178 reduce in height. As a result, when stood on the terrace, there are clear views over the neighbouring garden at No 178 and towards the rear facing windows serving this neighbouring dwelling. Consequently, from No 178, the elevated position of someone stood on the terrace has an imposing effect that is harmful to privacy.
9. The use of privacy screens along the shared boundary have been suggested to overcome concerns of overlooking. However, as the ground level would remain the same at No 178, such screens would likely appear excessively tall and would have an overbearing effect when experienced from this neighbouring property. As such, screens are unlikely to be suitable to mitigate the harm to privacy in this context and no detailed designs of such screens are before me to demonstrate otherwise.
10. The rear extension incorporates a parapet wall which gives it considerable height alongside the boundary with No 182. In combination with its very close proximity to the rear ground-floor windows and the immediate private rear amenity space at No 182, this has an unacceptable enclosing effect to the detriment of outlook for occupiers of this neighbouring dwelling. There is also no detailed evidence before me to demonstrate that the development has not resulted in a material loss of light for occupiers of this neighbouring dwelling when compared with the pre-development relationships.
11. For the above reasons the development also conflicts with the guidance in the Council's Urban Design Guide Supplementary Planning Document (2022) which seeks to resist extensions that create an unacceptable sense of enclosure or appear overbearing. In addition, a tall fence has been erected at the boundary with No 182, which presumably is to prevent overlooking effects from the terrace. However, from my own observations, this further exacerbates the sense of enclosure to the neighbouring rear amenity space which adds to the harm resulting from the rear extension.
12. I conclude that the development has a harmful effect on the living conditions of occupiers at No 178 with regard to privacy and to occupiers at No 182 with regard to light and outlook. Therefore, the development is contrary to Policy DH(b) (Protection of Amenity for Adjacent Occupiers) of the Royal Greenwich Local Plan Core Strategy with Detailed Policies (2014) which seeks to ensure that development does not cause an unacceptable loss of amenity to adjacent occupiers by reducing the amount of daylight, sunlight or privacy they enjoy or result in an unneighbourly sense of enclosure.

Other Matters

13. The appellant has put forward that the rear extension has been erected using permitted development rights. Based on the information before me, I cannot be certain that this is the case, and a certificate of lawfulness has not been

provided. Even if the extension was permitted development, this would not result in the appeal being allowed because of the identified harm resulting from the rear terrace, which also forms part of the appeal scheme.

Conclusion and Recommendation

14. The development results in harm to neighbouring living conditions and is contrary to the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

M Long

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

M Russell

INSPECTOR