



Appeal Decision

Site visit made on 26 November 2025

by Siobhan Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 December 2025

Appeal Ref: APP/E5330/C/23/3322580

54 Elliscombe Road, London, SE7 7PY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mrs Parminder Kaur Kailey against an enforcement notice issued by Royal Borough of Greenwich.
 - The notice was issued on 10 May 2023.
 - The breach of planning control as alleged in the notice is: "Without planning permission, the unauthorised change of levels of the rear garden at the property by carrying out engineering operations to create two terraces, including altering the ground levels ("the unauthorised development")."
 - The requirements of the notice are to: i) Remove the terraces, including the retaining walls and steps and reinstate the land levels of the property to a straight single sloping surface; (ii) restore the property to its condition before the unauthorised development took place; (iii) remove from the land all debris and spoil generated as a result of carrying out the requirements above, to an authorised place of disposal.
 - The period for compliance with the requirements is: Two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act (as amended) for the development already carried out, namely the change of levels of the rear garden at the property by carrying out engineering operations to create two terraces, including altering the ground levels at 54 Elliscombe Road, London, as shown on the plan attached to the notice.

Main Issue

2. The main issue is the effect of the change in levels upon the living conditions of neighbouring occupiers, with particular regard to privacy.

Reasons

3. The levels of the terraces are higher than parts of the adjoining gardens. I accept that there is an element of overlooking of the adjoining gardens, in particular when standing next to the boundary fences. There is also some intervisibility between the raised garden and the patio doors at No 56, particularly from the top end of the garden.
4. Nevertheless, both adjoining gardens have steps up to rear areas of their gardens which are at a similar level to the appeal property's upper terrace. These adjoining neighbours' upper levels each contain an outbuilding. A similar amount of

overlooking of the Appeal site from the neighbours' upper levels could occur from the windows of these outbuildings and from the steps and raised areas in front of them. Therefore, although there is overlooking from the appeal site to neighbouring properties, there is also overlooking of the appeal site from them too. Within this context, I do not find the terraces to be unacceptable.

5. I therefore conclude that the development does not unacceptably harm the living conditions of the occupiers of neighbouring properties. Therefore, I find no conflict with Policy DH(b) of the Royal Borough of Greenwich Adopted Core Strategy with Detailed Policies July 2014 which seeks to protect privacy. Neither do I find conflict with the Council's Supplementary Planning Document, Residential Extensions, Basements and Conversions Guidance which has similar objectives in relation to privacy.

Conclusion

6. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the development as described in the notice. The enforcement notice will be quashed.

Siobhan Watson

INSPECTOR