



Appeal Decision

Site visit made on 26 November 2025

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 January 2026

Appeal Ref: APP/E5330/C/23/3325418

109 Charlton Lane, Charlton, London, SE7 8HL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr Rom Panday against an enforcement notice issued by the Council of the Royal Borough of Greenwich.
 - The notice was issued on 26 June 2023.
 - The breach of planning control as alleged in the notice is: *"Without planning permission, the erection of a concrete and brick outbuilding measuring 4m in height ("Unauthorised Structure"). Also, without the benefit of planning permission the unauthorised raising of ground levels in the rear garden of the property by carrying out engineering operations to raise the garden level by 1.5m ("Unauthorised Change of Ground Level"). Both breaches of planning are referred to as the "Unauthorised Development".*
 - The requirements of the notice are to: 1) Remove the unauthorised structure; 2) reinstate the rear garden land levels to the levels before the unauthorised development took place. For reference, the original land levels can be found in the Existing and Pre-Existing Garden Section, Drawing No 03/DT/01/2020 located in the Greenwich Planning website under reference 20/0121/HD; 3) Remove from the property all debris and spoil generated as a result of carrying out the requirements in steps 1 and 2 to an authorised place of disposal.
 - The period for compliance with the requirements are: Six months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (b), (f), (g) 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. It is directed that the enforcement notice (the notice) is corrected and varied by:
 - In paragraph 3, the deletion of "measuring 4m in height" and "by 1.5m"
 - In paragraph 5.2, the removal of the words *"For reference the original land levels can be found in the "Existing and Pre-Existing Garden Section". Drawing No. 03/DT/01/2020 located in the Greenwich Planning website under reference 20/0121/HD"*
 - In paragraph 6, substitution of "six months" with "nine months".
2. Subject to the corrections and variations the appeal is dismissed, the notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The ground (b) appeal

3. An appeal on ground (b) is that those matters (alleged in the notice) have not occurred.
4. The Appellant disputes that the ground levels have been raised by 1.5 metres. He has submitted Google Earth images in an attempt to show the previous garden

levels. These photos do not show any measured levels and therefore, they do not assist. Nevertheless, as the land levels vary on either side of the appellant's garden, I accept that his garden also had varying levels. Therefore, it is unlikely that the appellant's garden has been uniformly raised by 1.5m. Nevertheless, there is no dispute that the garden level has been increased in height and there is no claim that it did not require planning permission. The appellant even submitted a retrospective application for the whole of the unauthorised development. Therefore, there would be no injustice to correct the allegation to remove the "1.5m" figure.

5. Step 2 of the requirements, in paragraph 5.2 of the notice, is "*Reinstate the rear garden land levels to the levels before the unauthorised development took place. For reference, the original land levels can be found in the Existing and Pre-Existing Garden Section, Drawing No 03/DT/01/2020 located in the Greenwich Planning website under reference 20/0121/HD.*" I requested this plan from the Council. However, the original land levels are not clearly marked on this plan. Therefore, I will remove all reference to this plan.
6. The appellant also says that the outbuilding is not 4m high and that it is only 3.6m high when measured from the ground level of 111 Charlton Lane (next door). However, whether it is 4m or 3.6m makes little difference to the substance of the allegation. I will correct the allegation to remove reference to the height of the building.
7. The appeal on ground (b) therefore succeeds to this extent.

The Ground (a) appeal

8. The main issue is the effect of the development upon the living conditions of neighbouring occupiers with particular regard to privacy.
9. The resultant garden levels enable anyone standing in the garden to look down onto the full length of the gardens on either side at very close range. This is a much more intensive form of overlooking than from windows inside a dwelling. The close range overlooking has an unacceptable impact on the privacy of the occupiers of the adjoining dwellings.
10. I accept that the neighbour at No 111 also has a terrace slightly higher than the Appellant's. However, unlike the Appellant's development, their terrace does not extend the full length of their garden. There is no comparable development on either side of the appeal property.
11. The outbuilding is at the end of the garden. Its windows face the host dwelling and they are at a similar level to the ground floor windows of the host dwelling. They are some distance from neighbouring properties. I do not consider that the outlook from the windows harms privacy. However, the outbuilding can only be accessed by walking the entire length of the raised garden and therefore, the use of the building causes a loss of privacy to adjoining gardens due to its long raised access route.
12. Given the huge difference in ground levels between the adjoining gardens, an increase in the height of the boundary treatment to create some privacy would have an overbearing effect upon the adjoining gardens. Therefore, a condition requiring additional screening would not make the development acceptable.
13. I accept that the adjoining neighbours are supportive of the Appellant, but paragraph 135(f) of the National Planning Policy Framework says that planning

decisions should create places that have a high standard of amenity for existing and future users. Therefore, I also have to consider future neighbours.

14. I conclude that the development unacceptably harms the living conditions of the occupiers of adjacent neighbouring properties. Therefore, I find conflict with Policy DH(b) of the Royal Borough of Greenwich Adopted Core Strategy with Detailed Policies July 2014 which seeks to protect privacy. I also find conflict with the Council's Supplementary Planning Document, Residential Extensions, Basements and Conversions Guidance, which has similar objectives in relation to privacy.
15. I note the appellant's comments in respect of age and mobility. He is concerned that steps down to the original garden level might become difficult. I appreciate that the levelled garden improves accessibility, nevertheless, this does not outweigh the harm to neighbours' living conditions.

The appeal on ground (f)

16. Section 173 of the Act indicates that there are two purposes which the requirements of an enforcement notice can seek to achieve. The first (s173(4)(a)) is to remedy the breach of planning control which has occurred. The second (s173(4)(b)) is to remedy any injury to amenity which has been caused by the breach. In this case, the notice requires the removal of the building in its entirety and the restoration of ground levels. This is consistent with the purpose of remedying the breach of planning control in accordance with s173(4)(a).
17. The appellant has suggested a fence to prevent overlooking but I have explained under the ground (a) appeal why that would not be appropriate. Accordingly, the appeal on ground (f) fails.

The appeal on ground (g)

18. The appellant is concerned that it would be difficult to find contractors for the extensive remedial works. For these reasons, he says he needs more time to comply with the notice. I consider that this is a valid concern and therefore, I will extend the compliance period to 9 months.

Conclusion

19. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with corrections and variations and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

Ms Watson

INSPECTOR