
Appeal Decision

Site visit made on 7 May 2025

by **E Pickernell BSc MSC MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal Ref: 6000063

231 Wingletye Lane, Hornchurch, Havering RM11 3BL

- 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 Anthony Fernandes against the decision of the Council of the London Borough of Havering.
 - The application Ref is P1260.24.
 - The development proposed is raised patio and wall to 229 Wingletye Lane.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal was described as 'part-retrospective' on the decision notice, and I saw at my site visit that some of the proposed works have been carried out. Nevertheless, I have assessed the proposals on the basis of the submitted plans and documents.

Main Issue

3. The main issue is the effect of the development on the living conditions of the occupiers of No. 229 Wingletye Lane (No.229) with regard to privacy and outlook.

Reasons

4. The appeal property comprises a detached dwelling which has recently been extended. The properties nearby are generally detached and semi-detached dwellings which are mixed in character and form. The footprint of the appeal property is larger than that of No.229 and projects further back in its plot.
5. The proposals include the provision of a new patio which, due to the change in levels across the site, would be raised above ground level with steps down into the lawned area of garden. Adjacent to the boundary with No.229 the patio increases in depth where it extends over the existing Anderson shelter.
6. The raised position of the patio combined with its relatively generous depth mean that, in the absence of any additional screening or boundary treatment, users of the patio would be able to see into the garden and rear windows of No.229, at very close quarters. This would result in a significant loss of privacy for the occupiers of No.229.
7. The proposals also include a new, taller boundary structure comprising a wall with a section of trellis on top. This would lessen the sense of overlooking, however the

top section of the wall would not be solid and therefore would still allow views through, towards No.229. As such the proposed structure would not fully mitigate the loss of privacy.

8. Furthermore, the proposed boundary treatment would be significantly higher than the previous fence and would result in a more imposing structure alongside part of the garden of No.229. Because of its overall height and length, the boundary treatment would be a dominating feature when viewed from both the garden and the interior of this property. Although the neighbouring garden is relatively generous in size and the proposed structure would be to one side of views looking towards the end of the garden, it would nevertheless create an unpleasant sense of enclosure when using the garden. Furthermore, it would be an imposing and overbearing feature in the outlook from the ground floor rooms at the rear of No.229.
9. The appellant contends that there has previously been vegetation in this location which exceeded the proposed height of the boundary. However, this would have had a softer, less harsh appearance than the proposed boundary structure and would not have such a dominating effect.
10. I recognise that some overlooking from the appeal site towards the adjacent dwelling and garden was possible prior to the construction of the patio. However, the degree of overlooking from these vantage points would not have been as extensive as that afforded by the proposed patio. Similarly, views towards No.229 from other nearby properties would not be at such close quarters as those from the proposed patio.
11. A patio was included in the approved scheme¹ and represents a fall-back position. However, it would be set away from the boundary and would not be of such great depth. As such the implementation of this fall-back scheme would not result in the same degree of overlooking as the proposed patio.
12. Even if the proposed boundary treatment were to result in enhancement to privacy of the occupiers of both the appeal site and the adjacent property, this would come at the expense of the outlook of the occupiers of No.229.
13. Overall, the proposals would result in harm to the living conditions of the occupiers of No.229 with regards to privacy and outlook. The proposal would therefore conflict with Policies 7 and 26 of the Havering Local Plan 2016 – 2031 (Adopted November 2021). Together these seek to ensure that developments are well designed, and that amenity of existing and future residents is not adversely impacted.

Conclusion

14. For the reasons given above the appeal should be dismissed.

E Pickernell

INSPECTOR

¹ P1099.17