



---

## Appeal Decision

Site visit made on 26 March 2023

**by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13<sup>th</sup> April 2023**

---

**Appeal Ref: APP/B5480/D/22/3313456**

**101 Hillview Avenue, Hornchurch, Essex RM11 2DJ**

- 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 Miss Sally Caton against the decision of the Council of the London Borough of Havering.
  - The application Ref P1728.22, dated 10 October 2022 was refused by notice dated 14 December 2022.
  - The development proposed is decking to the rear.
- 

### Decision

1. The appeal is allowed and planning permission is granted for decking to the rear at 101 Hillview Avenue, Hornchurch, Essex RM11 2DJ in accordance with the terms of the application reference P1728.22, dated 10 October 2022, and the plans submitted with it.

### Procedural Matters

2. The Council changed the description of development from that stated on the application form in the interests of clarity. I consider that the amended description, omitting the term retrospective, accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.
3. At the time of my site visit, the development was complete. The application made clear that the scheme submitted was submitted retrospectively and I have dealt with the appeal on that basis.

### Main Issue

4. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of No. 103 Hillview Avenue.

### Reasons

5. The site is within a predominantly residential area characterised typically by two storey, semi-detached properties.
6. The decking is set off the boundary with the unattached neighbouring property No. 103 Hillview Avenue. The decking is raised offering views into the neighbouring garden. Notwithstanding this the Appellant has attempted to screen this view to a degree by installing planters with tall plants on the decking along the side facing No. 103.

7. From the information I have before me I understand that the decking is replacement for decking of a similar height and form to the appeal proposal which has been in situ for a number of years. This has been confirmed by the neighbouring property.
8. The development will cause a degree of overlooking to the occupiers of the neighbouring property No. 103. Notwithstanding this taking a pragmatic approach given the lack of objections, that the decking is effectively a like for like replacement I conclude that the development does not exacerbate the overlooking situation that previously occurred and as such would not harm the living conditions of the occupants of No. 103 Hillview Avenue.
9. There is no conflict with Policy 7 of the Havering Local Plan 2016-2031 (2021) or the Havering Residential Extensions and Alterations Supplementary Planning Document (2011) which amongst other things seeks to protect the amenity of existing and future residents.

### **Conclusion**

10. For the above reasons I conclude that this appeal should be allowed.
11. The Council consider a condition relating to plans to be adhered to should be imposed, however this is not relevant or necessary as the development is complete.

*C Pipe*

INSPECTOR