

Appeal Decision

Site visit made on 27 March 2023

by Les Greenwood MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/Y5420/D/23/3314304

29 Winton Avenue, Wood Green, Haringey, London N11 2AS

- 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 Rabiya Nagi against the decision of the Council of the London Borough of Haringey.
 - The application Ref HGY/2022/2379, dated 23 August 2022, was refused by notice dated 18 October 2022.
 - The development proposed is the erection of a patio to the rear of the property.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is the effect of the proposal on living conditions at neighbouring properties, in terms of privacy.

Reasons

3. 29 Winton Avenue is a mid-terrace house with a single storey rear extension, situated on land which slopes down sharply away from the road. The proposed raised patio, to the rear of the existing extension, has been partly constructed so that the application is largely retrospective. The patio was unsurfaced and the proposed railings had not yet been installed at the time of my site visit.
4. Patios are a common feature at the backs of these houses, providing level, outdoor amenity areas. There is a similar arrangement at No 31 to one side, which is separated from the new patio by a high fence that prevents overlooking. To the other side, the patios at Nos 25 and 27 do not project nearly as far because they attach to the main house rather than to a rear extension and there are not such high fences for privacy. Although the patio at No 29 is set away from the boundary, it projects more than 4m beyond the existing rear extension, giving clear views back to the patios and rear windows of No 25 and especially No 27 from an elevated position and at close range. This overlooking would be intrusive on neighbours' privacy, even in this situation where there is a necessarily a degree of mutual overlooking between terraced properties.

5. The appellant puts forward several points in favour of the proposal. I note that the previously existing rear steps would have given some chances for overlooking the neighbouring properties, but these were centrally located and did not project out so far at this level. This particular proposal would not notably contribute towards the National Planning Policy Framework's aim to make efficient use of land. Although there are many other rear patios on this part of the street, each proposal must be considered on its own merits, based on its individual circumstances.
6. I note that the neighbour at No 27 has provided a letter of support for a *raised patio and privacy screen*. I have considered whether screen fencing instead of the proposed railings could be required by condition, to protect neighbours' privacy. No such proposal or condition has been put forward, however, and such a screen would have its own impacts which would require assessment through the normal planning application process.
7. I conclude that the proposal would unacceptably harm living conditions at the neighbouring properties 25 and 27 Winton Avenue, due to loss of privacy. It therefore conflicts with the aims of policy D6 of the London Plan and policy D1 of the Council's Development Management Development Plan Document, to ensure that developments provide a high standard of privacy for neighbours.
8. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should not succeed.

Les Greenwood

INSPECTOR