
Appeal Decision

Site visit made on 4 December 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2024

Appeal Ref: APP/B5480/D/24/3348848

133 Ingrebourne Road, Rainham RM13 9AH

- 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 Nicole King against the decision of the Council of the London Borough of Havering.
 - The application reference is P0603.24.
 - The proposed development is for a raised patio of 5mx5m and 54cm high to be added to the rear of the property.
-

Decision

1. The appeal is allowed and planning permission is granted for a raised patio of 5mx5m and 54cm high to be added to the rear of the property at 133 Ingrebourne Road, Rainham RM13 9AH in accordance with the terms of the application reference P0603.24, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, Drg No 1, Drg No 2
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with those stated on the application form.
 - 4) Prior to the completion of the development, details of privacy screening/fencing to the side boundary of the decking adjacent to 131 Ingrebourne Road shall be submitted in writing to the Local Planning Authority for approval. The privacy screening/fencing shall be carried out in accordance with the approved details and retained thereafter.

Main Issue

2. The main issue is the impact of the development on the living conditions of the occupiers of 131 Ingrebourne Road with regard to privacy.

Reasons

3. At my site visit I was able to access the rear garden of the appeal dwelling and closely examine the relationships with surrounding properties. The decking would allow for unobstructed views into the adjoining rear amenity area at no.131. Whilst there is already an element of mutual overlooking between houses, the incidence would significantly increase as a result of the proposal.
-

4. The Planning Practice Guidance states that conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects.
5. To this end, I consider that the adverse overlooking of no.131 could be mitigated through the formation of additional border screening, for example a planted trellis or living fence, such that any adverse loss of privacy would be prevented. There would be sufficient space along the boundary of the decking for such elements to be created, and to be constructed at a level that would ensure the protection of the living conditions of the occupants of no.131. The precise location, height and materials to form the screening/fencing would be the subject of a condition.
6. I therefore conclude that the scheme would not result in harm to the living conditions of the occupants of 131 Ingrebourne Road in respect of privacy. It would be consistent with Policy 7 of the Havering Local Plan 2021 and the Council's Residential Extensions and Alterations Supplementary Planning Document 2011 in relation to the protection of amenity.

Conditions

7. I have considered the imposition of conditions in light of advice in Planning Policy Guidance and the Framework. In addition to the standard implementation condition, the approved plans are listed for certainty. A condition requiring external materials in accordance with those stated on the application form would provide for a satisfactory appearance. A condition requiring the submission of privacy screening/fencing is necessary to ensure the protection of the living conditions of the occupants of no.131.

Conclusion

8. Based on my findings and all other factors, the appeal is allowed.

C Hall

INSPECTOR