



Appeal Decision

Site visit made on 8 December 2025

by Andrew Walker MSc BSc(Hons) BA(Hons) BA PgDip MCIEH CEnvH JP
an Inspector appointed by the Secretary of State

Decision date: 16 December 2025

Appeal Ref: APP/B5480/C/24/3340471
135 Hillview Avenue, Hornchurch RM11 2DL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Avtar Singh Rai against an enforcement notice issued by the Council of the London Borough of Havering on 14 February 2024.
 - The breach of planning control as alleged in the notice is:
Without planning permission, the construction of rear boundary fencing on either flank elevation to the rear and a rear raised patio.
 - The requirements of the notice are to:
 1. Demolish or lower to no more than two metres in height the first two panels of boundary fencing on either flank elevation to the rear (being the two panels closest to the rear elevation of the dwelling); AND
 2. Demolish or lower to a height of no more than 0.3 metres the decking area to the rear of the rear elevation of the dwelling; AND
 3. Remove all other debris, rubbish or other materials accumulated as a result of taking steps (1) and (2) above.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the ground set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended (the Act). Since the appeal on ground (a) has been made, the application for planning permission deemed to have been made under section 177(5) of the Act as amended falls to be considered.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld.
Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Main Issue

2. The main issue is the effect of the works on the living conditions of neighbours.

Reasons

3. The raised patio/decking is 0.8m in height and the top of the fencing of concern is approximately 2.4m above ground level as measured from the ground levels of the adjacent neighbouring gardens, extending 3.6m beyond the rear elevation of the appeal property.
4. Because the height of the fencing above the patio/decking is 1.6m, a person standing upon either side of the patio/decking near the boundary fencing has opportunities for overlooking into the rear of neighbouring dwellings either side of the development. However, the appellant's suggestion of a condition requiring the positioning of planters and vegetative screening would render the development acceptable as regards such effects upon privacy.

5. However, the high fencing panels (albeit projecting only a few metres rearwards) erected fairly close to the rear fenestration of the neighbouring dwellings serve to create an oppressive sense of enclosure to the occupiers of those homes, notwithstanding the width of the plots and the views they will still enjoy from elevated positions broadly southwards¹ down their own gardens. This in my judgement significantly and unacceptably harms their outlook, and is accordingly in conflict with Policy 7 of the Havering Local Plan 2016-2031 which seeks to ensure that the amenity and quality of life of existing and future residents is not adversely affected.

Other Matter

6. The appeal development results in an exit from an array of bifolding doors onto a level surface, rather than having to descend steps. However, that consideration does not outweigh the harm or the conflict with the development plan as a whole.

Conclusion

7. For the above reasons, the appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended, for the development already carried out.

Andrew Walker

INSPECTOR

¹ I agree with the appellant that the relationship, albeit unneighbourly in terms of outlook, would not cause a materially harmful degree of overshadowing due to the orientation of the properties and appeal development.