



Appeal Decision

Site visit made on 6 January 2026

by **L Fern BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 4 February 2026

Appeal Ref: APP/W5780/D/25/3373056

3 Langley Drive, Wanstead, Redbridge, London E11 2LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Francis Mallinson against the decision of the Council of the London Borough of Redbridge.
 - The application Ref is 0919/25.
 - The application sought planning permission for “alterations to front porch. Single storey rear extension with new patio and steps down to garden. Alterations to fenestrations” without complying with a condition attached to planning permission Ref 0437/23, dated 23 March 2023.
 - The condition in dispute is No 2 which states that: the development hereby permitted shall be carried out in accordance with the following approved plans: [REAL-2021-049/301], [REAL-2021-049/302], [REAL-2021-049/303], [REAL-2021-049/201], [REAL-2021-049/202], [REAL-2021-049/203], [REAL-2021-049/101], [REAL-2021-049/102], [REAL-2021-049/103], [REAL-2021-049/104], [REAL-2021-049/002], [REAL-2021-049/001].
 - The reason given for the condition is: for the avoidance of doubt and in the interests of proper planning.
-

Decision

1. The appeal is allowed, and planning permission granted for “alterations to front porch. Single storey rear extension with new patio and steps down to garden. Alterations to fenestrations” without complying with a condition attached to planning permission Ref 0437/23, dated 23 March 2023”, but subject to the conditions set out in the schedule at the end of this decision.

Application for costs

2. An application for an award of costs has been submitted by Mr Francis Mallinson against the Council of the London Borough of Redbridge, which is the subject of a separate decision.

Preliminary Matters

3. I noted on my site visit that a large portion of the work had been completed, broadly in-line with the approved scheme¹, except for, amongst other aspects, the raised patio area that was generally consistent in terms of scale with the amendments that are before me under this appeal. However, the proposed fence was not in situ.
4. The Council submitted a statement of case during the appeal process. However, I could not accept it given that the Council is required to rely on the justification contained within any officer report, committee minutes and/or decision notice in

¹ Council Ref 0437/23.

householder appeal cases, even when the decision has been made contrary to the officer's recommendation. For the avoidance of doubt, I did not have sight of the contents of the statement.

Background and Main Issue

5. The appellant requested amendments to Condition 2 to replace some of the drawing numbers. The amended plans include an extension to the raised patio area with surrounding dwarf wall, and the erection of a taller fence between the rear gardens of the appeal site and the neighbouring property at 5 Langley Drive (No 5).
6. Whilst the Council did not raise concerns regarding privacy, I note that interested parties included this matter in representations. The main parties had sight of these representations prior to determination of the application, and I am therefore content that they have not been prejudiced by me including it within my main issue.
7. The main issue is therefore the effect of the proposed development on the living conditions of the occupants of No 5 regarding privacy, outlook and daylight.

Reasons

8. 3 Langley Drive (No 3) is a residential property that has benefitted from the addition of a rear extension and raised patio area that is broadly consistent in height with the internal floor level of the property. The patio increases in height above garden ground level moving away from the dwelling due to the gradual slope of the land. Similar patios, of varying depths and heights are common features in the immediate surroundings. A fence currently exists between the rear gardens of No 3 and No 5. However, the raised nature of the patio allows the occupants of No 3 to see into the garden and ground floor living accommodation of No 5.
9. Although the original plans are not before me in full, the appellant asserts that the depth of the patio has increased by just over 0.6m along its boundary with No 5 when compared to the approved scheme, which is confirmed by the plan extracts in the Council's officer report. The patio is raised above ground level to a greater degree than would be acceptable under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO) and is in part marginally higher above ground level than the approved patio due to the increase in depth and the sloping nature of the gardens. However, the increase in depth and height beyond what has already been granted permission is small and does not therefore give rise to a greater degree of overlooking into the rear garden and ground floor living accommodation of No 5 than already exists. Furthermore, the proposed taller fence, which I consider later in my reasoning, would provide additional screening to the benefit of the privacy of the occupants of both residences.
10. I observed on my site visit that the ground levels of the rear gardens of No 3 and No 5 are broadly consistent with one another, although I note that the submitted plans show a very small, approximate 0.15m difference in ground level between the two. However, the plans clearly show that the fence panels would be only 2m in height above the ground level of No 5. The height of the proposed fence, only approximately 0.3m taller than the existing, would be commensurate with other fences in the surrounding area and typical of a rear residential garden boundary treatment. Despite the plot being relatively narrow, No 5 benefits from sizeable ground floor windows and a lengthy garden and I am therefore not convinced that

the proposed fence would give rise to either a harmful outlook or reduce the amount of available daylight to an unacceptable level.

11. Interested parties have expressed concern that there would likely be harm associated with the proposed fence due to it being taller than that which the GPDO would allow. However, the GPDO sets parameters for development that would categorically not cause harm and merely requires other development to be appropriately assessed through the submission of a planning application, as is the case in this instance.
12. For the above reasons, I conclude that the proposal would not be unacceptably harmful to the living conditions of the occupants of No 5 regarding privacy, outlook and daylight. Consequently, the proposed development would comply with Policy LP26 of the Redbridge Local Plan (2018) (the LP), which, amongst other things, requires development to not result in an adverse impact on neighbouring occupiers in relation to overlooking and privacy, daylight and outlook.

Other Matters

13. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
14. St Marys Church is listed, and it was observed on my site visit that it is separated from the appeal site by Overton Drive and the rear garden of 1 Langley Drive with its associated fencing, hedging and vegetation. Due to the distance and existence of intervening features, I am content that the appeal site does not fall within the setting of the listed building. For these reasons, the proposed development would preserve the setting of St Marys Church as a heritage asset.
15. Interested parties have referenced conflict with LP Policy D3 and the Housing Design Guide Supplementary Planning Document and have also referred to two appeal decisions². However, they are not before me in evidence, and I am therefore unable to determine whether they are relevant to this case.

Conditions

16. I have had regard to the planning conditions suggested by the Council in the officer's report. I have also considered them against the tests in the Framework and the advice in the Planning Practice Guidance.
17. Condition 2 of the original permission has been changed to reflect the amended drawing numbers. The Council has requested the imposition of a condition requiring the submission and approval of materials to be used in the construction of the patio and fence. However, I note that no specific condition was imposed for the patio under the original permission. Furthermore, I do not consider it necessary to require the submission and approval of material details in this instance given that the patio and fence are small scale domestic additions to the property.

² PINS Ref APP/K3605/W/20/3254942 and APP/K3605/W/20/3257997.

18. Furthermore, the granting of planning permission under section 73 should also restate the conditions imposed on the earlier permission that continue to have effect. I have imposed all that remain relevant for the original reasons given.

Conclusion

19. Based on the above considerations, the proposal accords with the development plan, and I conclude that the appeal should be allowed.

L Fern

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: [REAL-2021-049/406], [REAL-2021-049/301 Rev A], [REAL-2021-049/302 Rev A], [REAL-2021-049/303], [REAL-2021-049/201], [REAL-2021-049/202 Rev A], [REAL-2021-049/203 Rev A], [REAL-2021-049/101 Rev A], [REAL-2021-049/102], [REAL-2021-049/103], [REAL-2021-049/104], [REAL-2021-049/002 Rev A], [REAL-2021-049/001].
- 2) The roof area of the single storey extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the Local Planning Authority.
- 3) The materials to be used in the construction of the external surfaces of the extension(s) hereby permitted shall match those used in the existing building.
- 4) The proposal must:
 1. identify suitably positioned unobstructed outside space: a) for fire appliances to be positioned on b) appropriate for use as an evacuation assembly point.
 2. be designed to incorporate appropriate features which reduce the risk to life and the risk of serious injury in the event of a fire, including appropriate fire alarm systems and passive and active fire safety measures.
 3. be constructed in an appropriate way to minimise the risk of fire spread.
 4. provide suitable and convenient means of escape, and associated evacuation strategy for all building users.
 5. develop a robust strategy for evacuation which can be periodically updated and published, and which all building users can have confidence in.
 6. provide suitable access and equipment for firefighting which is appropriate for the size and use of the development.

*****End of Conditions*****