

Appeal Decision

Site visit made on 14 September 2016

by **C L Humphrey BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23rd September 2016

Appeal Ref: APP/E5900/W/16/3153027

10A Toynbee Street, London E1 7NE

- 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 Mr Sanjay Kareer against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00935, dated 13 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed was originally described as “The proposal includes the erection of a first floor extension, and the installation of windows to flank elevation.”
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor extension and second floor roof terrace and installation of windows to flank elevation at 10A Toynbee Street, London E1 7NE in accordance with the terms of the application, Ref PA/16/00935 dated 13 April 2016, 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:
LP01, 164 LP 02, 164 EX 01, 164 EX 02, 164 EX 03, 164 EX 04, 164 EX 05, 164 EX 06, 164 LP 03, 164 PR 01, 164 PR 02, 164 PR 03, 164 PR 04, 164 PR 05, 164 PR 06.
 - 3) Notwithstanding Condition 2, prior to the commencement of any superstructure works on site, details and samples of the materials to be used in the construction of the external surfaces of the development hereby permitted shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and retained thereafter in accordance with the approved details and samples.
 - 4) Notwithstanding Condition 2, prior to the commencement of any superstructure works on site, details of the railings to be erected on the northern boundary of the second floor roof terrace shall be submitted to and approved in writing by the local planning authority. Development shall be carried out and retained thereafter in accordance with the approved details.
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Procedural Matter

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application form, the Council's decision notice describes the development as "Erection of a first floor extension and second floor roof terrace and installation of windows to flank elevation." The revised description more precisely describes the proposed development, and I have therefore considered the appeal on that basis.

Main Issue

3. The main issue is the effect of the proposed development upon the living conditions of the occupants of neighbouring residential properties at 8 and 6 Toynbee Street, with particular regard to outlook and privacy.

Reasons

Living conditions

4. The appeal property and the neighbouring residential properties at Nos 8 and 6 have first floor terraces with single storey outbuildings. The proposed development would replace the existing first floor terrace and outbuilding with an extension. There would be a terrace on the roof of the proposed extension, accessed from the second floor of the appeal property.
5. The roof of the proposed extension would be slightly higher than that of the existing outbuilding, with railings placed upon a small upstand along the northern boundary with No 8. The confined nature of the existing outdoor space to the rear of the neighbouring properties and the presence of structures including the boundary fence between Nos 8 and 6 and the sizeable outbuilding at No 8 would limit views of the proposed development from these spaces.
6. Although the proposed railings would be visible rising above the roof of the existing outbuilding at No 8, the lightweight nature of such a boundary treatment would minimise the visual impact and ensure that the appeal proposal did not have an unacceptably enclosing or overshadowing effect. Details of the design of these railings could be secured by condition.
7. A degree of mutual overlooking is common to densely developed urban areas. Indeed, there are existing terraces at third floor level to the rear of the appeal property and Nos 8 and 6, which afford views down into the first floor level outdoor amenity spaces of properties along the row. Views from the proposed second floor roof terrace into the outdoor amenity space to the rear of Nos 8 and 6 would be restricted by the existing outbuilding and fence noted above. People standing at the northernmost part of the proposed roof terrace would have views back towards the rear second floor windows of No 8. However, these views would be oblique and limited.
8. For the reasons set out above, the proposed development would not have a harmful effect upon the living conditions of the occupants of neighbouring residential properties at 8 and 6 Toynbee Street, with particular regard to outlook and privacy. As such, the appeal proposal would accord with Policy 25 of the Tower Hamlets Local Plan Managing Development Document Development Plan Document.

Other matters

9. The appeal site is located within the Artillery Passage Conservation Area (the "Conservation Area"). I note that the Council concluded that the proposed development would not have an adverse impact upon the Conservation Area. However, I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
10. The proposed development would infill the space at first floor level between the rear of the appeal property and the side of 14-16 Brune Street. The small scale nature of the appeal proposal, together with its straightforward design and the use of matching materials and fenestration would ensure that the proposed development would remain subordinate to and complement the existing building.
11. For the reasons set out above, I conclude that the appeal proposal would not have a harmful effect upon the characteristic fine-grain mix of domestic-scale units or upon the appearance of the appeal property and neighbouring buildings. The proposed development would therefore preserve the character and appearance of the Conservation Area.

Conditions

12. I have imposed a condition specifying the relevant drawings as this provides certainty. In order to ensure the suitable appearance of the development, I have also imposed conditions relating to materials and the detailed design of the proposed railings.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I conclude that the appeal should be allowed.

C L Humphrey

INSPECTOR