

## Appeal Decision

Site visit made on 10 October 2016

**by R C Kirby BA (Hons) DipTP MRTPI**

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

**Decision date: 2 November 2016**

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**Appeal Ref: APP/E5900/D/16/3150375**

**1 Hickin Street, Isle of Dogs, London E14 3LN**

- 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 G Murphy against the decision of the London Borough of Tower Hamlets.
  - The application Ref PA15/03244, dated 16 November 2015, was refused by notice dated 7 March 2016.
  - The development is proposed porch, rear extension and loft conversion.
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### Decision

1. The appeal is allowed and planning permission is granted for a proposed porch, rear extension and loft conversion at 1 Hickin Street, Isle of Dogs, London E14 3LN, in accordance with the terms of application Ref PA15/03244, dated 16 November 2015. No conditions are necessary.

### Procedural Matters

2. The description of the appeal proposal has been taken from the Council's decision notice, in the absence of one being provided on the application form. I have however not made reference to 'retrospective' as this is not an act of development.
3. The Council's decision notice refers to its Core Strategy 2010. Whilst the Core Strategy was adopted in September 2010, it is entitled Core Strategy Development Plan Document 2025.

### Main Issues

4. The Council has confirmed that whilst requiring planning permission, the porch is acceptable. The dormer window on the rear elevation has been confirmed in the Council's report to be permitted development and acceptable. On the basis of the evidence before me I have no reason to disagree with the Council in respect of these matters.
  5. In light of the above, the main issues in this case are therefore the effect of the rear extension on:
    - the character and appearance of the host property and surrounding area having particular regard to its design and scale; and
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- the living conditions of the occupiers of No 3 Hickin Street, having particular regard to outlook.

## **Reasons**

6. The appeal property is an end of terrace, two storey dwelling, located within a residential area. The porch, dormer window to serve the loft conversion and rear extension have been constructed.

### *Character and Appearance*

7. Policies of the development plan, namely Policy DM24 of the Managing Development Document, Development Plan Document (MDD), Policy SP10 of the Core Strategy Development Plan Document 2025 (CS) and Policy 7.4 of the London Plan require development to be of a high quality design, which enhances local character and, amongst other matters, takes into account the scale, height, mass and form of existing development and uses high quality building materials and finishes.
8. The local area is residential in character with a range of building styles and forms. Brick is the predominant building material, although I observed on my site visit that a range of colours is used in the locality of the appeal site. The dwellings in Hickin Street are modest terraces, some with rear extensions. Detached outbuildings, close to the rear elevation of the dwellings are a feature of the area. These extensions and outbuildings, including those visible from Plevna Street contribute to the character and appearance of the area. It is in this context that the new extension is viewed.
9. In that the extension has a rendered finish and a flat roof, it does not respect the materials or design of the existing dwelling. However, it is a modest, modern addition to this property and is subordinate in scale and design to it. The character of the existing dwelling continues to dominate and accordingly I find that harm is not caused to the character or appearance of it.
10. I note the Council's concerns that the extension is larger than others in the area, however I have not been provided with specific examples to substantiate this assertion. The new extension would project a similar distance into the rear garden as the neighbouring outbuildings. It does not result in a significant amount of new floor space to the property and the dwelling remains a modest size. As such, I do not share the Council's concern about it unbalancing the rhythm of the terrace of which it forms part. Furthermore, although wider than neighbouring outbuildings which has resulted in a smaller overall rear garden size, I am satisfied that the remaining garden area is comparable to those properties that have had rear extensions constructed, as observed on my site visit.
11. Whilst the side elevation of the extension adjoins the back edge of the pavement on Plevna Street, it is viewed from this road and from Launch Street in the context of a range of materials and boundary treatments along Plevna Street, including different coloured bricks, fence panels, gates, railings, garage doors and trellis. The extension is not significantly higher than the adjoining fence panels. Given these matters and its limited expanse in the street scene as a whole, I find that it is not intrusive or overly prominent.
12. In light of the foregoing, and given that the finish of the extension is of a high quality, I conclude that harm is not caused to the character and appearance of the host property or the local area. There would be no conflict with the character and

design objectives of MDD Policy DM24, CS Policy SP10 or London Plan Policy 7.4. Furthermore, there would be no conflict with the core planning principle of the National Planning Policy Framework (the Framework) relating to high quality design.

### *Living Conditions*

13. The extension is constructed on the party boundary with No 3 Hickin Street. No 3 has a brick outbuilding close to its rear elevation and the party boundary with the appeal property. This outbuilding is at a lower level than the new extension, but in line with its rear elevation.
14. The Council is concerned that the extension results in a loss of light to the rear of No 3 but has provided no substantive evidence to qualify its concerns. Whilst located on the party boundary, the extension is not significantly taller than the existing outbuilding to the rear of No 3. Although the extension has filled a gap along the boundary between the rear wall of No 3 and the outbuilding, this gap is small and I am not convinced that the addition of built development of the scale constructed has had an adverse effect on light reaching the rear elevation, garden and rear windows of this property.
15. Given the relationship of the extension to the rear of No 3, and the juxtaposition of the outbuilding within the garden of this property which largely screens it, I find that the new extension is not overbearing nor does it have an enclosing effect upon the outlook from either the rear windows or rear garden of No 3.
16. I therefore conclude that the proposal would not be harmful to the living conditions of the occupiers of No 3 Hickin Street. There would be no conflict with the amenity objectives of MDD Policy DM25 and CS Policy SP10, or the core planning principle of the Framework in this respect.

### **Other Matters**

17. The appeal site is located with Flood Zone 3. A Flood Risk Assessment was submitted with the planning application setting out several measures that would be utilised in the construction of the extension, including floor materials and floor levels. The Council has raised no objection to the development in terms of flood risk, and based on the evidence before me, I have no reason to reach a contrary view to the Council in this regard.

### **Conditions**

18. The Council has suggested a number of conditions that it would like to see imposed in the event that the appeal was allowed. However, as the development has already occurred and has been completed, I find that the Council's suggested conditions as set out in the appeal questionnaire are not necessary.

### **Conclusion**

19. For the above reasons, and having regard to all other matters raised, the appeal is allowed.

*R C Kirby*

INSPECTOR