

Appeal Decision

Site visit made on 1 November 2016

by David Walker MA MRTPI

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

Decision date: 21 November 2016

Appeal Ref: APP/E5900/W/16/3155915

69 Solander Gardens, Lowood Street, Tower Hamlets, London E1 0DW

- 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 Emran Miah against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00526, dated 21 February 2016, was refused by notice dated 25 April 2016.
 - The development proposed is single storey rear extension and enclosure of front porch.
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Decision

1. The appeal is allowed and planning permission is granted for single storey rear extension and enclosure of front porch at 69 Solander Gardens, Lowood Street, Tower Hamlets, London E1 0DW in accordance with the terms of the application, Ref PA/16/00526, dated 21 February 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan and Proposed block plan; PA/1614/001 Rev C; and PA/1614/002 Rev C.
 - 3) The materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building.

Preliminary Matter

2. The address given on the application form was incomplete. A revised address has been provided with the appeal form and this corresponds with that used by the Council in its decision. I have amended the address accordingly in the interests of accuracy.

Main Issues

3. The main issues in the appeal are the effect of the proposal on, firstly, the character and appearance of the area and, secondly, on the living conditions of the occupants with regard to the adequacy of the outdoor living space.
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Reasons

4. No 69 is a ground floor maisonette positioned at the end of a modest four storey block that has a simple rectangular form and uniform character. The proposed extension would be in a corner setting. While it would be clearly visible from along The Highway and the busy pedestrian route of Dellow Street it would only be seen at relatively close quarters.
5. In this context the small scale of the proposal would be subsumed within the greater massing of the host building and the tall boundary wall that surrounds the garden. There would be a change in the appearance of the host building but with a sympathetic design and matching materials it would not be so significant to give rise to harm.
6. I acknowledge that as it would be the first extension of its kind at this location there would be a risk of setting a precedent. However, I have assessed the proposal on its merits and found it to be acceptable. Any similar extensions would also be considered on their merits.
7. On this basis I am satisfied that the rear extension would respect its local context and townscape, including the character, bulk and scale of the surrounding area as required at Policy SP10 of the Tower Hamlets Core Strategy 2010; and is sensitive to and enhances the local character and setting of the development under Policy DM24 of the Tower Hamlets Local Plan: Managing Development Document 2013.
8. Turning to living conditions. The Highway is a busy route into central London and it was apparent at my site inspection that the close proximity of the existing garden to heavy traffic would not be conducive to sitting out. The loss of a sizeable area of the private outside space to the rear extension would not therefore diminish the living conditions of the occupants. With a sufficient area retained for clothes drying and storage I am satisfied that the remaining outdoor space would be adequate.
9. Finally, while I have confined my assessment of the appeal to the rear extension I note the Council has indicated it would have no objection to the proposed front porch. I have no reason to disagree.
10. The appeal being allowed I have given consideration to the need for conditions. In addition to the standard time period for implementation I attach a condition to identify the plans approved in the interests of certainty. I also attach a condition requiring the external materials to match those of the host building in the interests of safeguarding the visual qualities of the area.

Conclusion

11. For the reasons given above I conclude that the appeal should be allowed subject to conditions.

David Walker

INSPECTOR