

Appeal Decision

Site visit made on 20 December 2016

by R J Jackson BA MPhil DMS MRTPI MCMi

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

Decision date: 04 January 2017

Appeal Ref: APP/E5900/W/16/3157672

196A & B Old Ford Road, Bethnal Green, London E2 9PT

- 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 Singh against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00956, dated 12 April 2016, was refused by notice dated 26 July 2016.
 - The development proposed is ground and first floor extension to existing house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on:
 - the living conditions of the occupiers of 198 Old Ford Road and the properties to the rear in Mace Street, in terms of light, outlook and privacy; and
 - the character and appearance of the Victoria Park Conservation Area (the VPCA).

Reasons

3. The appeal properties are the eastern end two properties of a terrace on the south side of Old Ford Road. The end property, No 196B, is very narrow at the front but widens out over its depth. The first floor of No 196B extends over part of the ground floor of No 196A at the rear. The overall building has a part single, part two storey rear extension, with the two storey element on the eastern side having a mono-pitch away from No 198 with a flat roof on the west. The single storey flat roofed extension extends across the width of No 196B at the rear.
 4. The proposal is to construct a two storey rear extension at the rear of both properties approximately to the same depth as an existing element on the adjoining property No 198. It also includes reorganising the internal arrangements so that No 198B no longer oversails No 198A.
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Living Conditions

5. The rear elevation of the front part of No 198 includes a door and window, and there are three windows in the side elevation of the rear element of No 198 facing No 196A, two on the ground floor with one at first floor. It appears that the room served by the more southerly of these two windows on the ground floor is also lit by a window in the rear elevation.
6. The proposed two storey extension would extend approximately 4.6m beyond the existing rear element and nearly double that distance from the rear of the main part of the rear elevations. It would result in the area immediately to the rear of No 198 being harmfully enclosed leading to a loss of outlook. It would also lead to an unacceptable loss of light in the room within the rear elevation of No 198 and in the room served by the more northerly of the two windows in the side elevation. I appreciate that the room within the rear elevation is also lit by windows on the front of the house, but this is the southerly elevation.
7. To the south of the appeal properties is a terrace of properties in Mace Street set at an angle one to another and in close proximity to Nos 196A and 196B. This means that there is already significant overlooking both ways between the appeal properties and those in Mace Street. Although the proposed extension would be closer to the properties in Mace Street, the amount of overlooking would not materially change and privacy would not be further harmed.
8. Although there would not be an unacceptable loss of privacy the proposed extension would result in a harmful loss of light and outlook and lead to an overbearing effect for the occupiers of No 198. As such would be contrary to Policy SP10 of the Tower Hamlets Local Plan Core Strategy (the THCS) which seeks that development does not impact on residents' amenity. It would also be contrary to Policy DM25 of the Tower Hamlets Local Plan Managing Development Document (the THDMD) which seeks to protect the amenity of existing residents from an unacceptable sense of enclosure and not result in an unacceptable material deterioration of daylight for habitable rooms of surrounding residential dwellings. Finally it would be contrary to paragraph 17 of the National Planning Policy Framework (the Framework) which seeks a good standard of amenity for all existing occupants of land.

Conservation Area

9. The property marks the southern extent of this part of the VPCA, a designated heritage asset. The Council has published a Conservation Area Character Appraisal and Management Guidelines with this terrace being noted as being within an area of Victorian domestic townscape which grew up following the establishment of Victoria Park itself. As domestic extensions the proposal would not change the character of the VPCA which would thus be preserved.
10. The property has a blank western elevation which can be seen across a small area of open space that provides part of the setting of the VPCA. The proposal would remove a capped chimney stack and introduce a number of windows into that elevation. This would change the nature of the elevation, but would add interest, and would not be out of keeping with the overall architectural integrity of the terrace.

11. The proposal would also result in the loss of a section of two storey flat roofed building which would enhance the overall appearance of the building and be in keeping with the overall aesthetic of the terrace.
12. Therefore, the proposal would enhance the appearance of this part of the VPCA to which special attention should be given in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended). It would therefore comply with Policies DM24 and DM27 of the THDMD in that it would enhance the local character and would protect and enhance the Borough's heritage assets, and would be appropriate in terms of design, scale, form, detailing and materials. It would also comply with paragraphs 56, 64 and 131 of the Framework which indicate good design is indivisible from good planning and that development should improve the quality of an area, and account should be taken of the desirability of new development making a positive contribution to local character.

Other matters

13. The appellant has referred to the benefit of the properties being more commodious in layout and providing two family size properties. However, this would only be a limited benefit as the number of dwellings would not change and there would only be a small overall increase in the number of bedrooms created by the proposal.
14. The appellant has also referred to other extensions in the area, particularly at No 198. I do not have details of any permissions that led to the development as currently existing nor the planning policies applicable at the time of those decisions. In any event, each case should be considered on its individual merits and the circumstances pertaining at the time of that decision.

Conclusion

15. Although the proposal would enhance the appearance of this part of the VPCA, and would not adversely affect the living conditions of the occupiers of the properties to the rear in Mace Street, it would result in unacceptable living conditions for the occupiers of 198 Old Ford Street and I find that this harmful effect is such that it outweighs the benefits of the proposal.
16. For the reasons given above I conclude that the appeal should be dismissed.

RJ Jackson

INSPECTOR