



Appeal Decision

Site visit made on 27 July 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 04 August 2017

Appeal Ref: APP/E5900/D/17/3173554

12 Galsworthy Avenue, London E14 7RA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Schedule 2, Part 1, Class A, Paragraph A.4 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
 - The appeal is made by Mr S Miah against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/17/00375, dated 10 January 2017, was refused by notice dated 22 March 2017.
 - The development proposed is single storey rear extension with skylights in roof.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook, daylight and sunlight.

Reasons

3. The appeal property is a two storey dwelling within a terrace of similar dwellings. The proposal would add a single storey extension to the rear which would reach a depth of six metres. Having notified neighbouring occupants of the proposed development, an objection was received by the Council. Subsequently, prior approval for the development was refused by the Council.
4. The proposed extension would sit immediately to the south of the neighbouring garden of 14 Galsworthy Avenue, and would therefore affect the amount of sunlight reaching the outdoor area and the rear elevation of the property. At a height of 3m, the new wall would cast shadow over the property for at least part of the day. This would particularly be the case during the winter months, when the sun rises to a lower point in the sky. The loss of sunlight would significantly reduce the occupants' enjoyment of their property. Due to the height and proximity of the new wall, there would also be some loss of daylight to No 14.
5. 10 Galsworthy Avenue is located to the south of the appeal site, and so would continue to receive sunlight during the day. However, the outlook from the garden and the rear ground floor window would be curtailed by the bulk and close proximity of the development, resulting in a harmfully increased sense of enclosure for the occupants of No 10. The outlook from the rear window and

the garden of No 14 would be similarly affected by the new extension, also giving rise to a harmful sense of enclosure for those occupants. I note that the gardens of the appeal site and its neighbours are only around 9m in depth, and so an extension of 6m would have a significant impact on the adjacent properties.

6. Taking these factors in combination, I find that the proposal would unacceptably harm the living conditions of the occupiers at Nos 10 and 14 Galsworthy Avenue. It would thus fail to comply with Policy DM25 of the Tower Hamlets Managing Development Document – Development Plan Document (April 2013), insofar as it seeks to protect the amenity of surrounding existing and future residents and building occupants.
7. I accept that an extension of up to 3m in depth could be constructed at the appeal site without planning permission. Nonetheless, in my view, such an extension would not be as substantial as the proposal now before me, and so its impact on the living conditions of neighbours would be proportionately less.
8. In support of their case, the appellant refers to other extensions at similar properties in the area which have received planning permission. However, few details of these cases have been provided, and so I am unable to be certain that they are directly comparable to the appeal scheme. I have no doubt that the development would be carried out in such a way as to minimise environmental impact during the construction phase. However, this would not overcome my concerns over the general acceptability of the scheme. I acknowledge the appellant's wish to ease the problem of overcrowding at the appeal dwelling by extending it. However, this personal circumstance would not outweigh the harm I have identified.

Conclusion

9. For the reasons above, and taking all other matters into account, I conclude that the appeal should be dismissed and prior approval is therefore refused.

Elaine Gray

INSPECTOR