



Appeal Decision

Site visit made on 8 August 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 24th August 2017

Appeal Ref: APP/E5900/W/17/3176341
77 Ricardo Street, London E14 6EQ

- 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 F Islam against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/17/00125, dated 16 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is single storey rear extension.
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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 the occupiers of the adjoining properties, with particular reference to outlook.

Reasons

3. The appeal site relates to a two storey ground and first floor property which is centrally located within a four storey block of flats. In common with other properties in this row it has a modestly sized rear garden area, extending to around 7.5m in depth. I noted on my site visit that rear extensions are not a common feature of this block.
4. The ground floors of the neighbouring properties on either side of the appeal site are served by single picture windows, which appear to relate to habitable rooms, located closely adjacent to their shared boundary with No 77. As such the proposed full width and flat roofed extension, which would extend to around 3m in both depth and height, would appear as a significant and bulky addition in views from these windows.
5. Whilst these shared boundaries are currently defined by timber fencing of reasonable height, the proposed addition would be notably higher, obscuring angled views from these windows. I accept that the extension would not impact on the views of the neighbours own gardens. Nonetheless it would be of harm in terms of their wider outlook, contrasting with the reasonably unobstructed views available at present by creating a sense of enclosure in what is the main ground floor outlook from these properties.
6. The appellant states that extensions of 3m in depth and height are standard dimensions within permitted development rights, though has accepted that as

this scheme relates to a flat planning permission for an extension is required. The appellant's view is that the 3m dimension would not, by definition, cause harm to neighbours. However the permitted development dimensions restrict eaves heights to a maximum of 2m within 2m of a shared boundary, thereby seeking to manage the impact of such additions on the occupiers of neighbouring properties.

7. The appellant also refers to the fact that no objections were received from neighbours or third parties. However, this point does not infer the acceptability of this scheme, nor that current and future occupiers of the neighbouring properties would not be adversely affected by the proposal.
8. Therefore I conclude that the proposal would have an adverse effect on the living conditions of the occupiers of neighbouring properties, with particular reference to outlook. It would conflict with the Tower Hamlets Core Strategy 2010 Policy SP10 and the Tower Hamlets Development Plan Document 2013 Policy DM25 which, taken together, require that development protects the amenity of current and future residents, including protecting outlook and guarding against unacceptable increases in the sense of enclosure.

Other Matters

9. Contrary to the appellant's statement, the appeal site is located in the Lansbury Conservation Area. Nevertheless the Council consider that due to the location of the extension away from the public realm it would not cause harm to the character or appearance of this heritage asset. I have no reason to take a different view on this point.
10. I accept that the proposal would improve the living conditions of the appellant. In this respect it is suggested that the proposal would comply with those aspects of the National Planning Policy Framework (the Framework) which seek to provide homes suitable for community needs. Nevertheless the harm I have found in relation to the living conditions of the occupiers of neighbouring dwellings is decisive in this case and is not outweighed by the appellant's private benefits.

Conclusion

11. For the reasons set out above, and as material considerations do not indicate that I should conclude other than in accordance with the Framework and development plan taken as a whole, the appeal is dismissed.

AJ Mageean

INSPECTOR