
Appeal Decision

Site visit made on 14 November 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 16th November 2017.

Appeal Ref: APP/E5900/W/17/3180340
88 Whitethorn Street, London E3 4DB

- 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 A Sattar against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02590, dated 30 August 2016, was refused by notice dated 26 January 2017.
 - The development proposed is front infill extension and single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a front infill extension and single storey rear extension at 88 Whitethorn Street, London E3 4DB in accordance with the terms of the application, Ref PA/16/02590, dated 30 August 2016, subject to the following conditions:
 - (i) the development hereby permitted shall begin not later than 3 years from the date of this decision;
 - (ii) the development hereby permitted shall be carried out in accordance with the approved plan: Existing and Proposed Plans & Elevations incl Site & Location Plans, Drwg No A490-1d;
 - (iii) the materials to be used in the construction of the external surfaces of the development shall match those used in the existing building; and,
 - (iv) all work shall be finished to match the existing building with regards to colour, texture and profile, except where otherwise stated on the approved drawings or agreed in writing by the local planning authority.

Procedural matter

2. The Council raised concern for the single storey rear extension. Based on the evidence before me I find no reason to consider the front infill extension proposed to be of concern and therefore I have considered the appeal on the basis of the rear extension only.

Main Issue

3. This is the effect of the proposal on the living conditions of the occupiers of No 90 Whitethorn Street, with particular regard to outlook and light.

Reasons

4. The appeal site lies immediately south of No 90 Whitethorn Street. On the shared boundary between the two properties is a close boarded fence.
5. From the living area at No 90, views are possible down the garden of this property, from two ground floor windows. One of these windows is close to the close boarded fence mentioned. The proposed extension would extend above the height of the fence. Since the window at No 90 faces the rear garden, there would be no direct view of the proposal from inside the dwelling. Any views of the development from the internal living area at No 90 would be at an oblique angle and therefore would not interfere with occupier's views of their garden. Together with views being possible from more than one ground floor window, the development would not create a sense of enclosure to be considered harmful to living conditions.
6. The living area at No 90 receives sunlight and daylight from two ground floor windows. The modest extension of the development above the boundary fence would not interfere with these levels of light to darken the living area to unacceptable levels to be of demonstrable harm to occupier's living conditions. Given that the extension would be south of No 90 I have no doubt that the development would cause some overshadowing but given the juxtaposition of the development to the neighbouring property as described, this reduction in sunlight would not be of notable harm.
7. In all, the development would not be harmful to the living conditions of the occupiers of No 90 Whitethorn Street, with particular regard to outlook and light, and therefore would not be contrary to policy DM25 of the Managing Development, Development Plan Document¹ which seeks development that does not result in an unacceptable increase in the sense of enclosure, an unacceptable loss of outlook, or an unacceptable material deterioration of sunlighting and daylighting conditions.

Conditions

8. I have found that the development would not give rise to unacceptable harm and that it would comply with the relevant development plan policy. Consequently, I propose to allow the appeal and grant planning permission. However, it is necessary to attach planning conditions to the permission to ensure that the development is carried out appropriately. I set out below the reasons for the conditions stated.
9. The Council has suggested a number of planning conditions which I have considered against the advice in the Planning Practice Guidance. In addition to the standard time limitation for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. In the interests of character and appearance, I have included a condition with regards to materials and workmanship.

¹ Tower Hamlets, Managing Development, Development Plan Document, Proposed Submission Version, January 2012

Conclusion

10. For the reasons given above, and having regard to all other matters, I conclude that the development would not be contrary to the development plan and therefore the appeal is allowed.

R Walmsley

INSPECTOR