
Appeal Decision

Site visit made on 3 September 2019

by S Tudhope LLB (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/E5900/D/19/3233013
239 Brick Lane, London E2 7ED

- 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 Jason Needham against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/00581, dated 15 March 2019, was refused by notice dated 1 July 2019.
 - The development proposed is a single storey rear extension. Alteration to existing first floor rear elevation to provide access to proposed terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the impact of the proposed development on (i) the character and appearance of the host building and its wider terrace and (ii) the living conditions of the occupiers of neighbouring properties with regard to outlook, privacy and light.

Reasons

3. The appeal property is a three-storey single family dwelling situated within a back-to-back staggered terrace. The rear gardens of which are mostly divided by mid-height fencing which allows a sense of openness within the otherwise narrow plot widths.
4. I appreciate that there are a number of properties within the terrace that have undergone alterations at the rear, including changes to window type and the erection of a number of modest single storey rear extensions. Nonetheless, the introduction of unique features at first floor level, of a door onto a roof terrace with glazed balustrade and louvred screens, would result in a jarring of the general symmetry of the rear elevation of the building. Despite the attention given to the design, the proposed development would appear at odds with and be harmful to the character and appearance of the appeal property and the established form of development of the host terrace.
5. The flank wall and louvred screens of the proposed extension would be in close proximity to the ground and first floor windows in the rear elevation of No 241 Brick Lane. Due to the stepped position of No 241 within the terrace, the proposed extension would enclose their immediate external area, creating a

tunnelling effect which, coupled with the narrow form of the dwellings, would result in an unacceptable sense of enclosure. This would be of significant detriment to the living conditions of the occupiers of No 241.

6. In addition, whilst I acknowledge the attempt of the appellant, by proposing louvred panels at first floor level, to maintain light levels reaching No 241, the position of the proposed development relative to this neighbouring property and to the path of the sun, means that the amount of daylight reaching next door would be diminished.
7. I further acknowledge that the appellant has given careful and detailed consideration to the relationship of the first-floor terrace with neighbouring gardens and I accept that a significant level of overlooking between properties already exists. However, notwithstanding the potential reduction in overlooking to some garden areas that could be achieved, the level of overlooking generated from a first-floor terrace area would be significantly more detrimental to the privacy of the occupiers of the neighbouring properties than that generated from existing windows. The increased loss of privacy would be harmful to the occupiers of the surrounding properties.
8. I have had regard to the appellant's Design and Access Statement, the desire to improve the living space and the energy efficiency of the host building, however these factors do not alter my decision.
9. I conclude that the proposal would unacceptably harm the character and appearance of the host building and its wider terrace and the living conditions of the occupiers of neighbouring properties. Thus, it would conflict with Policies DM24 and DM25 of the adopted Tower Hamlets Managing Development Document (2013), Policies S.DH1 and D.DH8 of the unadopted Tower Hamlets Local Plan 2031 and Policy SP10 of the adopted Tower Hamlets Core Strategy (2010). Together these policies require high quality design and protection of residential amenity.

Other matter

10. Whilst the appeal site is not located within a conservation area, it is situated within close proximity to Redchurch Street Conservation Area (RSCA). I find that the scale and position of the proposed development within the confines of the modern back-to-back terraces, would not harm the character or appearance of the RSCA.

Conclusion

11. For the reasons given above the appeal is dismissed.

S Tudhope
Inspector