
Appeal Decision

Site visit made on 14 September 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th September 2020

Appeal Ref: APP/E5900/W/20/3251552

Flat 17 John Cartwright House, 50 Old Bethnal Green Road, London E2 6PZ

- 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 Abdul Quyyum Azad against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00004, dated 27 December 2019, was refused by notice dated 5 March 2020.
 - The development proposed is a new roof top extension and part second storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I am aware of and have had regard to a previous appeal decision at the site (Referenced APP/E5900/W/18/3193870) which related to a proposal of a similar description to that before me. Whilst the evidence does not include the plans associated with that appeal, it does indicate that the main changes associated with this proposal include a reduction in the height of the extension and a set back from the southern elevation of the property.

Main Issues

3. The main issues are the effect of the proposal a) on the living conditions of neighbouring occupiers and b) on the character and appearance of the area.

Reasons

4. The proposal relates to the upward extension of the host property which is set within a densely populated residential area at the John Cartwright House development to the south of Old Bethnal Green Road.

Living Conditions

5. Whilst I am mindful of the slightly reduced height and set back associated with this proposal, there is no doubt in my mind that the introduction of a third storey as proposed would have the effect of reducing the sunlight available to the windows of adjacent residents of John Cartwright House, particularly the windows set to the east of the appeal site during the afternoon period.
6. These windows have a south facing outlook and would be significantly affected by the presence of a third storey on the appeal building which would be in their

sunlight path, at reasonably close proximity. This would adversely affect the living conditions of the occupiers which would detract from the enjoyment of their homes.

7. Further, the introduction of a third storey would give an increased sense of enclosure to residents that occupy ground floor flats to the east of the appeal site, particularly in respect of their gardens. I noted on my site visit that the amenity spaces serving these dwellings are small, well-tended and no doubt much valued areas of retreat in such a highly urban setting.
8. The introduction of a third storey would cause harm to the living conditions of those ground floor residents, through the loss of sunlight into those areas, particularly during the afternoon. Harm would also arise as a result of the overbearing nature of the proposal which would result in a heavily enclosed, almost claustrophobic environment.
9. I therefore conclude on this matter that the proposal would fail to accord with Policies S.DH1 and D.DH8 of the Tower Hamlets Local Plan (2020) (THLP) which amongst other things seek to protect the living conditions of nearby occupiers by ensuring that development does not result in an unacceptable material deterioration of the sunlight conditions of surrounding development and avoids an unacceptable increase in sense of enclosure.

Character and appearance

10. I consider that the reduction in height of the extension and the set back at the southern elevation would mitigate against the overbearing, overpowering and dominant characteristics which were associated with the previous proposal. Further, the third storey would be read against the backdrop of the main body of John Cartwright House, which in general is four storey in height.
11. Subsequently, I conclude on this issue that the proposal would be of an acceptable bulk, mass and scale in the sense that it would not detract from the character and appearance of the area.
12. In this respect, the proposal would not therefore contravene Policy S.DH1 of the THLP in relation to its quality of design. The proposal would also accord with Policy 7.4 of The London Plan (2016) which relates to similar matters. The proposal would accord with Policy D.DH2 of the THLP which requires development to contribute positively to the public realm.

Other Matters

13. I appreciate that the development at 41-44 Blythe Street closely to the west will have had some impact on the living conditions of the occupiers of the host property. However, the relationship between those properties and the appeal site is not directly comparable and therefore does not justify the appeal.
14. I accept that the National Planning Policy Framework promotes the effective use of land, however it also notes that decisions need to safeguard the environment by ensuring healthy living conditions.
15. I have noted the petition in support of the proposal, however there is no evidence to suggest that this indicates an acceptance of the impacts of the proposal by all the nearby occupiers who would be affected. I therefore afford it limited weight.

16. I sympathise with the circumstances of the appellant and their wish to enlarge their house to more comfortably accommodate their family at the property. I also note the health circumstances of one of the residents. Whilst I have afforded these matters some weight, they do not outweigh the harm I have identified as a result of the proposal on the living conditions of neighbouring occupiers.

Conclusion

17. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR