
Appeal Decision

Site visit made on 27 November 2020

by Sian Griffiths BSc(Hons) DipTP MScRealEst MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 22 December 2020.

Appeal Ref: APP/E5900/W/20/3251820

63 Cephas Avenue, London E1 4AR

- 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 C Jackson against the decision of the council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/01534 dated 15 July 2019, was refused by notice dated 12 December 2019.
 - The development proposed is rear basement extension and other associated works to facilitate the conversion of the existing dwelling house into 1 x 3 bed flat and 1 x 1 bed flat.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. During the determination of the application, the council amended the description of development with agreement from the appellants. I have used that description for precision as it covers the development proposed in its entirety.

Main Issues

3. The main issues are:
 - The effect on the supply of family housing, and
 - The effect on living conditions of existing and future occupiers

Reasons

The effect on the supply of family housing

4. Cephas Avenue is a predominantly residential street containing a mixture of housing, including flats and family sized homes. The appeal site comprises two properties. No.63 is an unlisted end of terrace, Georgian three storey house containing 5 bedrooms with a small front garden area and an enclosed rear courtyard. The property also includes No 1 Osier Street, which is a modern two storey, 1 bed maisonette adjoining the rear of No.63. The property has an internal terrace facing Osier Street which is its only external amenity space.
5. The appeal proposals would result in the sub-division of the existing accommodation at No.63 into a 3 bed flat and 1 bed flat. The 3 bed flat would

have access to the rear courtyard as amenity space and the 1 bed flat would have a terrace on the 'upper first floor' which is currently a flat roofed area bounded by a timber picket fence.

6. At the site visit, the main dwelling (No.63) was let out as a house in multiple occupation with shared facilities including the kitchen, lounge and two bathrooms. I was not able to view the internal layout at No.1 Osier Street and have relied upon the submitted plans.
7. Policy DM3(5) (Delivering Homes) of the Tower Hamlets Managing Development Document (2013) (DD) states that '*development that would involve a net loss of residential floorspace, residential units or any family housing will be resisted.*' There are exceptions to this under part (6).
8. The council have made it clear in their submissions that they do not object to the creation of the 1 bed flat as part of the proposals but have concerns about the proposed 3 bed flat. Their concerns relate to the need for additional extensions to make it acceptable in space terms. They have therefore treated the loss of the host dwelling as the loss of a family unit.
9. I have considered the council's position and also note that the case officer considered the proposed 3 bed flat would be acceptable in policy terms as it would '*meet the letter*' of a family dwelling, as stated in their report. I agree with this and I do not consider the proposals therefore offend policy DM3(5) of the DD.

The effect on living conditions

10. In turning to the effect on the living conditions, I have considered the impacts on neighbouring and future occupiers which relate to two aspects of the proposed development: from the use of an upper floor roof terrace and access to the rear courtyard, combined with new window openings within the courtyard.
11. Policy DM25 (Amenity) of the DD states that '*development should seek to protect, and where possible improve the amenity of surrounding existing and future residents and building occupants...*'.
12. The case officer's report states that the terrace would be likely exempt from enforcement action although that is not a matter for this appeal. I note the appellant's contention in their statement, that a screen for the terrace in formalising its role in serving the proposed 1 bed flat could be used to '*prevent overlooking of and loss of privacy to the private areas of adjoining properties to the north*'. Plan 103 Rev C was not before me, but in any case, the fact that a screen appears to be necessary reinforces the concern that I have over the level of overlooking that would result from this development.
13. The new windows overlooking the courtyard would be, as stated by the appellant, obscure glazed. However, it is clear to me that there would be some pressure to open these windows (particularly during the summer months), in order to improve ventilation. This would, in my view, result in an increase in overlooking and reduction in privacy for users of the courtyard.
14. I note the appellant's statement that they own both properties, but there is of course every chance that such properties could be separately sold off in future.

15. Taking all of these aspects into account, I consider there would be tangible harm to the outlook and living conditions of the future occupiers of the 3 bed flat in terms of their privacy and overlooking from the new windows and the formalisation of the terrace. I find this to be contrary to policy DM25 of the DD.

Conclusions

16. For the reasons given, and having regard to all other matters raised, the appeal is dismissed.

Sian Griffiths

INSPECTOR