



Appeal Decision

Site visit made on 17 May 2021
by C Rafferty LLB (Hons), Solicitor

Decision by R C Kirby BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/E5900/W/20/3265820

91 Harford Street, London, E1 4RL

- 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 Wahid against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/01905, dated 8 September 2020, was refused by notice dated 4 November 2020.
 - The development proposed is described as "proposed new four bedroom dwelling adjacent to existing property".
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The Council's decision notice refers to policies of the London Plan (2016). The London Plan (2021) has now been adopted. While the views of the Council were sought on the updated London Plan no response was received. In the absence of information in this regard this report has been progressed in line with the policies of the Tower Hamlets Local Plan 2031, adopted January 2020 and the National Planning Policy Framework (NPPF).
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework. Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. In this respect, I am mindful that neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references made to the revised Framework within this decision would not be unreasonable to the parties.

Main Issues

5. The main issues are the effect of the proposed development on the living conditions of neighbouring residents at (i) 1 – 4 Essian Street with particular regard to outlook; and (ii) 1 White Tower Way with particular regard to privacy.

Reasons for the Recommendation

1 – 4 Essian Street

6. The appeal site comprises a three storey terraced residential dwelling with space to the side, located on Harford Street close to the junction with Essian Street. The site is bounded by 1-4 Essian Street to the north and 1 White Tower Way to the east.
7. The proposal would construct a three storey dwelling in the space to the side of the current property, extending the terraced row towards the boundary with No. 1 – 4 Essian Street. It would introduce a solid and sizeable element of uninterrupted built form facing these properties that would tower above the wall present and stretch a considerable depth along the boundary line.
8. As a result it would be highly visible from the neighbouring rear gardens and top floor balconies at 1-4 Essian Street. In addition, due to the modest scale of the gardens and the presence of an extension at No. 1, it would also be in close proximity to the accommodation itself, where windows along the southern elevation would provide clear views of the imposing nature of the development.
9. Although amendments have been made following the refusal of a previous iteration of the scheme, it remains that the overall scale and positioning of the proposal would harmfully alter the outlook from both the rear gardens and south facing windows at No. 1 – 4 Essian Street. It would appear overbearing and dominant when viewed from these locations, affecting the residents' enjoyment of these rooms to an unacceptable degree. This is not adequately offset by the presence of double aspect windows at No. 1.
10. For the reasons given above I find that the proposed development would have a significant adverse effect on the living conditions of the occupiers of No. 1 – 4 Essian Street, with particular regard to outlook. Accordingly, it would fail to comply with Policy D.DH8 of the Tower Hamlets Local Plan 2031, adopted January 2020 and the NPPF, which together seek to safeguard adequate living conditions for residents.

1 White Tower Way

11. The proposal would also represent an additional dwelling close to the western boundary of No. 1 White Tower Way. Due to its height, and in following the fenestration pattern of the terrace, it would result in rear windows above ground level serving bedrooms with clear views overlooking the rear garden of No. 1.
12. Such views are already possible from No. 91 Harford Street. However, the introduction of another dwelling with first and second floor windows in close proximity to the rear garden of No 1 would significantly increase the existing levels of overlooking that already exist of No 1's rear garden. Almost the entire length of the garden would be overlooked by upper floor windows as a result of the proposal which make the private enjoyment of this space by its occupiers less pleasant to use. While it is common for gardens in the area to

be built upon with various extensions and alterations, there is a high probability that in considering whether or not to grant planning permission that the Council sought to ensure that neighbouring occupiers living conditions were not adversely affected.

13. For the reasons given above I find that the proposed development would have a significant adverse effect on the living conditions of the occupiers of No. 1 White Tower Way, with particular regard to privacy. Accordingly, it would fail to comply with Policy D.DH8 of the Tower Hamlets Local Plan 2031, adopted January 2020 and the NPPF, which together seek to safeguard adequate living conditions for residents.

Other Matters

14. It is acknowledged that the proposal is of good design and represents beneficial use of brownfield land in an area of high housing targets. Furthermore, the parties agree that it would exceed the requirements for amenity space and floor space provision. However, due to the single dwelling nature of the proposal these benefits are limited and do not outweigh the harm identified above.
15. The appellant has stated that further reduction of the dimensions of the proposal would result in pinched living space. However, I am not convinced that there are no alternatives to the proposal that could provide adequate living space in this location without conflicting with local plan policies.

Conclusion and Recommendation

16. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, the appeal is dismissed.

R Kirby

INSPECTOR