
Appeal Decision

Site visit made on 27 July 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st August 2021

Appeal Ref: APP/E5900/D/20/3261628
59 Lockesfield Place, London E14 3AJ

- 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 Rakesh Patel against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/01092, dated 29 May 2020, was refused by notice dated 30 July 2020.
 - The development proposed is a double storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form however adequately describes the proposal and I have determined the appeal on that basis.
3. The London Plan (2021) was adopted during the course of the appeal. Both parties were afforded the opportunity to comment on its implications for this proposal. I have determined the appeal solely on the basis of the relevant policies at the time of the decision.

Main Issues

4. The first main issue is the effect of the first floor of the rear extension on the character and appearance of the host dwelling and area. The second is the effect of the first-floor rear extension on the living conditions of the occupiers of 60 Lockesfield Place (No.60) with particular regard to sunlight, outlook and sense of enclosure.

Reasons

Character and appearance

5. The appeal property is a two-storey terraced dwelling set within Lockesfield Place, which is a modern residential development set to the north of Westferry Road.
 6. The first-floor extension would be set to the rear of the dwelling and while the rear of the terrace is reasonably undisturbed by additions at first floor level, the rear of the appeal site has very limited public visibility meaning that the visual impact of the extension would be contained and limited.
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7. It would incorporate a hipped pitched roof, the ridgeline of which would be set well down from the main ridgeline. It would also be set in from the shared boundaries with the adjoining properties to the north and south.
8. The first-floor rear extension itself would not be of excessive footprint or scale in comparison to the host dwelling. The bulk of the extension could be reasonably accommodated within the rear garden as a result of its depth and positioning.
9. Therefore, I conclude on this issue that the first-floor extension would not have a detrimental impact on the character and appearance of the host dwelling and area. The proposal would not therefore conflict with Policy S.DH1 of the Tower Hamlets Local Plan (2020) (THLP) which amongst other things seeks high quality design, requiring that development must be of an appropriate scale, height, mass, bulk and form in its site and context.

Living conditions

10. As required by the explanation text to Policy D.DH8 of the THLP a daylight and sunlight assessment is included within the evidence to model the effect of the extension in terms of its impact. In terms of sunlight, the worst affected window would be the double doors on the rear elevation of No.60.
11. The results indicate that the worst affected window at No. 60 would receive less than 0.8 times its former sunlight hours during the summer and winter period. However, the window would not receive less than 25% of annual probable sunlight hours (APSH) or less than 5% of annual probable sunlight hours between 21 September and 21 March (WPSH). This would be the case only by very small margins with an APSH of 27.26% and WPSH of 5.37%. Nonetheless, the guidance¹ therefore indicates that the room that this window serves should still receive enough sunlight.
12. I cannot therefore conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of No.60 with regard to sunlight. The proposal would therefore comply with part 1.d of Policy D.DH8 of the THLP.
13. The rear of the terrace at and around the appeal site already feels enclosed given the close proximity of the three storey Island Point development and its associated lower structures which sit close to the rear boundaries on Lockesfield Place.
14. The first-floor part of the extension would rather loom over the rear elevation and garden area of No.60 as a result of its positioning only a short distance from its southern boundary. The impact would combine with the pre-existing sense of enclosure which already exists as a result of the Island Point development, to lead to a significant increase in sense of enclosure for the occupiers of No.60 above the existing baseline.
15. This sense of enclosure would be felt from the rear patio doors, from where occupants would also suffer loss of outlook. It would also be felt from within the garden area, and these impacts would significantly detract from the occupant's enjoyment of their home. I afford this matter significant weight.

¹ SITE LAYOUT PLANNING FOR DAYLIGHT AND SUNLIGHT – A guide to good practice – Paul Littlefair – bre trust.

16. I therefore conclude on this matter that it is within this regard that the proposal would have an unacceptable impact on the living conditions of the occupiers of No.60 with regard to outlook and sense of enclosure.
17. It would conflict with the requirements of Policy D.DH8 (parts 1.a and 1.b) of the THLP which amongst other things requires that development is required to at a minimum protect the extent of the amenity of existing buildings and their occupants. It states development must avoid an unacceptable increase in the sense of enclosure and ensure existing habitable rooms have an acceptable outlook.

Other Matters

18. I note that it is stated the first-floor extension would not conflict with the 45-degree rule, although this acts as guidance only and does not on its own indicate that a proposal can be deemed acceptable. I therefore afford this matter limited weight.
19. Other developments on Lockesfield Place that have been approved and have included a first-floor extension have been brought to my attention. However, they all appear to be on other parts of the development and they do not therefore exactly replicate the circumstances including the existing built environment at and around the appeal site. I therefore afford these examples limited weight in terms of providing any justification for the proposal.

Conclusion

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan, with which it would fail to accord. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR