The Planning Inspectorate

Appeal Decision

Site Visit made on 20 October 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/E5900/D/21/3277215
18 Lockesfield Place, London E14 3AH

- 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 Muklisur Chowdhury against the decision of London Borough of Tower Hamlets.
- The application Ref PA/21/00164, dated 20 January 2021, was refused by notice dated 26 March 2021.
- The development proposed was originally described as 'Proposed single storey and part double storey rear extension to match with the three previously approved applications in close proximity'.

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the:

   - Living conditions of the occupiers of No 17 and 19 Lockesfield Place with particular reference to daylight and outlook; and
   - Character and appearance of the area.

Reasons

Living conditions

3. The appeal property is a mid-terrace two-storey dwelling, located in a comprehensively designed estate, and forming a group of similar houses with the attached properties either side. All three properties (No 17-19) have distinctly small rear gardens which face toward a large residential flats building. The combination of the small gardens, the flats to the west and to the south which front on to the A1206, results in a particularly enclosed environment to the rear.

4. I have no substantive evidence before me from either party as to the extent of any loss of daylight. Nonetheless, the proposal would alter the outlook from within the rooms at the rear of the neighbouring properties. The first-floor extension has been designed to accord with the so called '45 degree' rule. Its central positioning offset from the boundary, first floor hipped roof and ground floor flat roof would all assist in moderating the impact.

5. Despite this, the proposal would occupy a large portion of the host property's rear garden and would still be a dominant built form from both of the attached

neighbours' gardens and rear ground floor rooms. In this already enclosed environment to the rear, the proposal would result in an unduly hemmed in feeling. This would be particularly the case from No 17 due to its closer relationship with the built form which fronts onto the A1206.

6. Even with no firm details on the extent of any daylight effects, the above leads me to conclude that the proposal would result in an unacceptable effect on outlook. As such, the proposal would conflict with the requirements of Policy D.DH8 of the Tower Hamlets Local Plan (2020) (THLP) and Policy D6 of the London Plan (2021) (LP). These stipulate, amongst other things, that development is required to protect the extent of the amenity of new and existing buildings and their occupants.

Character and appearance

7. The proposed extension would be built with matching materials and, although there is a change in window detailing, these elements would harmonise with the materials and windows within the terrace group.

8. Its combined design with a flat roof at ground floor and hipped roof at first floor, and the central position of the first-floor element set in from the edge of the ground floor extension, would all assist in a built form that would appear smaller than the host building. However, this design would create a somewhat awkward juxtaposition between the two floors which would contrast with the architectural simplicity and unity within the terrace row.

9. Moreover, in this enclosed setting and given the small area of garden space that would remain, the extent of built form would still appear as an overly large and dominant feature to the rear. The extent of harm would be small and limited to private views, nonetheless even incremental changes can erode the character and appearance of an area.

10. I therefore find that the proposal would harm the character and appearance of the area. The proposal would therefore conflict with the requirements of Policy S.DH1 of the THLP and Policy D4 of the LP, which broadly seek high quality design.

Other Matters

11. I have been referred to several planning permissions within the estate for two-storey extensions. However, I do not know the circumstances of those cases and I have not been provided with elevation drawings and so cannot make a direct comparison.

12. However, I was able to see a very similar extension at No 22 Lockesfield Place (No 22). No 22 backs onto an open car park area and this, and the scale and location of nearby buildings and size of gardens, does not result in the same sense of enclosure that characterises the rear of the appeal site and its neighbouring properties. Moreover, it served to confirm how such two-storey extensions can be prominent additions on a row of terrace properties and how, subsequently, in a more enclosed environment, such prominence could lead to unacceptable harm.

13. As such, I do not consider that this permission should justify an extension, in a more enclosed setting, that would harm the living conditions of the occupiers of No 17 and 19 and erode the character and appearance of the area.

14. I note the appellants' references to various paragraphs of the National Planning Policy Framework (the Framework) and, in particular, the presumption in favour of sustainable development. The appellant is seeking to make an effective use of an existing property and would increase the diversity of housing, which are objectives encouraged by the Framework. However, good design is a key aspect of sustainable development and these positive factors do not outweigh the harm that I have identified emanating from its design.

Conclusion

15. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR