

# Appeal Decision

Site Visit made on 24 November 2021 by A Coombes

**Decision by K Taylor BSc (Hons) PGDip MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 20 December 2021**

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**Appeal Ref: APP/E5900/D/21/3279564**

**46 Wrexham Road, London E3 2TJ**

- 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 Christoph Jankowski & Mrs Laetitia Manach against the decision of London Borough of Tower Hamlets Council.
  - The application Ref PA/21/00751, dated 5 April 2021, was refused by notice dated 25 May 2021.
  - The development proposed is the erection of a ground floor rear extension.
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## Decision

1. The appeal is allowed, and planning permission is granted for the erection of a ground floor rear extension at 46 Wrexham Road, London E3 2TJ in accordance with the terms of the application, Ref PA/21/00751, dated 5 April 2021, and the plans submitted with it, subject to the following conditions:
  - 1) The development is hereby permitted and shall begin no later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: the site location plan, and drawing numbers 00\_113 Revision PA, 00\_101 Revision PA, 00\_112 Revision PA, 00\_104 Revision PA, 00\_121 Revision PA, 00\_122 Revision PA (all dated 05/04/2021).

## 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.

## Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of 44 Wrexham Road, with regard to light and outlook.

## Reasons for the Recommendation

4. The appeal site is a two-storey terraced dwelling, with rear dormer, constructed in brick. To the rear, there is a two storey, half width, outrigger and an additional single storey extension. The property is not listed but lies within the Fairfield Road Conservation Area (FRCA). The application seeks permission for a ground floor infill extension with a shallow pitched glazed roof and timber cladding that would extend along the boundary with 44 Wrexham Road.

5. Due to the terraced nature of Wrexham Road, there is already a sense of enclosure in the infill area. Outlook is typically limited in this setting due to the mirrored outriggers. The existing boundary treatment with 44 Wrexham Road consists of a concrete wall that varies in height, trellising and planting. All of which create a sense of tunnelling. Whilst the development would add built form bulk at the boundary, it would be modestly higher than the existing treatment. This would not significantly alter the already limited outlook from the habitable room at 44 Wrexham Road.
6. The infill area in both properties does not benefit from a great deal of light due to the layout of the dwellings and the outriggers. It is acknowledged that the proposed development would have some impact on light to 44 Wrexham Road. However, the additional impact would be minimal, given that light is mostly blocked by the existing outrigger of the appeal site. Furthermore, the top section of the extension proposes the use of glazing, which would allow some light to pass through and would offer some reprieve. Even if the 45-degree rule were breached, as the Council suggest, this is not contained within any Policy or supplementary guidance that has been provided.
7. For the reasons given above the development would not be harmful to the living conditions of the neighbouring occupants. It would therefore comply with Policy D.DH8 of the Tower Hamlets Borough Council Local Plan 2031, adopted 2020. This Policy requires new development to ensure that acceptable outlook is maintained in existing habitable rooms as well as adequate levels of light.

### **Conditions**

8. In addition to the standard time commencement condition, a condition should be attached to ensure that the development is built in accordance with the submitted plans, including the use of specified materials.
9. The Council have requested a condition requiring the materials of the development to match those of the existing house. However, given that the materials on the proposed plans would not match the existing dwelling and are acceptable, the condition would not be necessary.

### **Conclusion and Recommendation**

10. The Council raised no concern in respect of the development on the character and appearance of the area and I agree that the development would preserve the FRCA. Therefore, the proposal would accord with the development plan when taken as a whole. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be allowed.

*A Coombes*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*K Taylor*

INSPECTOR