

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: 21 December 2021

Appeal Ref: APP/E5900/D/21/3281324

19 Lichfield Road, London E3 5AT

- 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 Mohammed Tauheed Khan against the decision of London Borough of Tower Hamlets Council.
 - The application Ref PA/21/00750, dated 5 April 2021, was refused by notice dated 28 May 2021.
 - The development proposed is construction of a single storey rear extension and a first floor rear extension.
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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.

Procedural Matters

3. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). I have had regard to this as a material consideration however, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of 20 Lichfield Road, with regard to outlook and light.

Reasons for the Recommendation

5. The appeal site is a two-storey end terrace dwelling constructed in brick with a two-storey outrigger and single-storey extension. It is located within the Tredegar Road Conservation Area and the rear boundary abuts a railway line. The surrounding area is predominantly residential and the houses, though relatively uniform, have various alterations to the rear elevations. The application seeks permission for a single storey rear extension and a first-floor extension.
6. The proposed development would extend the first-floor outrigger and project beyond the first-floor rear elevation of the neighbouring property at 20 Lichfield Road. Adding bulk at this height would reduce the outlook from the neighbouring property. Due to the terraced nature of the appeal site, its

orientation, and the high wall at the rear boundary, the rear curtilages have limited access to light. The deep extension would exacerbate the lack of light and sense of enclosure that would be felt at number 20, which would be further intensified by the depth of the outrigger at 21 Lichfield Road. Therefore, the development would be harmful to the living conditions of the occupants at 20 Lichfield Road.

7. Although the appellant suggests that the window at 20 Lichfield Road serves a bathroom, no clear evidence of this has been provided. On the site visit it was observed that the window is not obscure glazed and it was not possible to determine whether the window served a habitable room.
8. The proposed development would introduce two new windows from habitable rooms, which would allow new overlooking into habitable rooms at 18 Lichfield Road. Although the Council have not cited this in their reason for refusal, it was included in the Officer report. The new windows would be secondary windows for the bedroom and any overlooking could be overcome by the use of conditions.
9. The appellant has provided some examples of properties on Lichfield Road that have benefited from, first floor, outrigger extensions. Each case must be considered on its own merits and the examples provided are not so numerous that they have established an overriding characteristic of the living conditions afforded to occupants in the area. In addition, it is not clear if they are directly comparable such as in respect of what the affected neighbouring rooms are used for. These examples therefore carry limited weight, and these do not mitigate or outweigh the harm identified.
10. For the reasons given above, the proposed development would cause harm to the living conditions of 20 Lichfield Road, with regard to outlook and light. Therefore, it would not comply with Policy S.DH1 and Policy D.DH8 of the Tower Hamlets Local Plan 2031, adopted 2020. Together these Policies resist development that does not protect or enhance the amenity of occupants, with particular regard to acceptable outlook and light.

Conclusion and Recommendation

11. 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 dismissed.

A Coombes

APPEAL PLANNING OFFICER

Inspector's Decision

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

K Taylor

INSPECTOR