
Appeal Decision

Site visit made on 9 February 2022

by S D Castle BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 February 2022

Appeal Ref: APP/E5900/D/21/3289139

46 Spirit Quay, London E1W 2UT

- 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 Anthony Green against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/02213, dated 05 October 2021, was refused by notice dated 02 December 2021.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and,
 - the living conditions of the adjoining occupiers with particular regard to loss of light and outlook.

Reasons

Character and Appearance

3. No 46 Spirit Quay is a 3-storey mid-terrace dwelling within a cohesively designed and planned development that fronts onto a waterway. Articulation of the wider development is achieved, in part, through the variation of its building lines, breaking up the mass of buildings by using indents and shadow. In this fashion, the rear (south facing) elevation of no 46 projects past its adjoining properties, approximately 2 m past the rear of no 47, and 0.9 m past no 45.
4. The proposal is for a flat roofed, single-storey rear extension, approximately 3.1 m in height and projecting 2 m from the rear wall of the original dwelling across its entire width. The extension would not be prominent in public views given its position at the rear of the dwelling, shielded from views by a hipped roof garage building. The small scale of the extension, in combination with matching brickwork, would enable it to integrate with the wider development without disruption to the area's cohesive design and pattern of articulation.

5. As such, the proposal would not harm the character and appearance of the area and would comply with policy S.DH1 of the Tower Hamlets Local Plan (2020)(THLP) and Policy D4 of the London Plan (2021) which, taken together, require, amongst other things, development proposals to respect and respond to the local character of an area.

Living Conditions

6. The extension would be higher than the existing boundary fencing with adjoining dwellings and would be built right up to the common boundaries. In combination with the original 3-storey projection of no 46, the extension would result in the built form of no 46 extending approximately 4m past the rear elevation of no 47. Occupants of no 47 would consequently experience a dominant and overbearing feature which would be visually intrusive in the outlook from their rear ground floor windows and garden. I have not been provided with a technical assessment of the daylight or sunlight impact of the proposal. However, the extension would inevitably result in some reduction to the levels of daylight and sunlight reaching no 47, particularly during the morning.
7. Whilst extensions of a similar scale have been constructed elsewhere on the wider development, in this instance, the effect on the living conditions of adjoining occupiers is exacerbated by their dwellings' set-back from the original 3-storey rear elevation of no 46. As such, where similar scale extensions elsewhere in the wider development may maintain appropriate living conditions for adjoining properties, the additional adverse impact on outlook, daylight and sunlight on no 47 in this case is cumulatively significant and unacceptable. The impact on no 45 in these regards would be less significant given that dwelling's more limited set-back from the rear of no 46. Indeed, I am satisfied that appropriate living conditions would be maintained for no 45 with regards to outlook, daylight and sunlight.
8. In conclusion on this main issue, the proposal would have an unacceptably harmful effect on the living conditions of no 47 with respect to outlook, daylight and sunlight. In consequence, it would conflict with Policy D.DH8 of the THLP which requires development to, amongst other things, protect and, where possible, enhance neighbouring amenity.

Conclusion

9. The development is not in accordance with the development plan when taken as a whole. Overall, there are no material considerations, either individually or in combination, of sufficient weight to outweigh the identified conflict with the development plan.
10. For the reasons above, the appeal is dismissed.

S D Castle

INSPECTOR