



Appeal Decision

Site visit made on 6 June 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Appeal Ref: APP/E5900/D/21/3285571

192 Woodseer Street, London E1 5HQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4 of the Town and Country Planning (General permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Suluk Ahmed against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/21/00777, dated 30 March 2021, was refused by notice dated 20 May 2021.
- The development proposed is a 5m rear extension in order to enlarge the Livingroom area (sic).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), under Article 3(1) and Schedule 2, Part 1, Class A, paragraph A.4(7) and A.4(9) require the local planning authority (LPA) to assess the impact of the proposed development on the amenity of all adjoining premises, taking into account any representations received.
3. The LPA have provided a copy of an objection received from a neighbouring resident at 190 Woodseer Street. The appellant states that none of the neighbouring residents object to the proposal. However, there is no evidence to support this view and it is at odds with the objection received by the LPA. Accordingly, it is reasonable to take the letter of objection at face value and assess the proposal in accordance with the above-cited regulations.
4. The appeal was originally made in the name of Ms Anh Carrick. However, Ms Carrick was not the original applicant for planning permission and therefore has no right of appeal. Accordingly, during the course of the appeal, it was confirmed that the appeal should proceed in the name of Suluk Ahmed, who was named as the original applicant for planning permission. I have proceeded on that basis.

Main Issue

5. The main issue is the effect of the proposed development on the amenity, and therefore the living conditions, of neighbouring residents, with regard to outlook and light.

Reasons

6. The appeal property is a mid-terrace, two storey dwelling of relatively modern construction. The proposed development would introduce a single storey rear extension onto the property with a rearward projection of approximately 5 metres and rising to a height of 3 metres. The extension would span the entire width of the property.
7. The flank walls of the proposed rear extension would introduce a significant mass of brickwork along the shared boundaries to either side of the appeal site. These elevations would rise well above the existing boundary fence and therefore, in combination with the extent of the rearward projection, the proposal would introduce large blank elevations that would have an oppressive impact on the users of the neighbouring rear gardens at No.'s 190 and 194 Woodseer Street. Furthermore, the extent and scale of the development would significantly reduce the outlook from the neighbouring ground floor rear facing window at No.194, creating a harmful sense of enclosure for existing and future occupants of the property.
8. The aspect to the rear of the property, and its adjoining neighbours, is relatively open and faces south. As such, these garden areas and rear facing windows benefit from good levels of direct sunlight throughout the day. However, the orientation of the proposed extension along with its scale and considerable projection would significantly reduce direct sunlight to the rear of No.190 in the morning, and to the rear of No.194 in the afternoon/evening. These shadowing effects would be particularly acute during winter months when the sun is on its lowest trajectory in the sky.
9. Consequently, I find that the proposed development would unacceptably harm the amenity, and therefore the living conditions, of neighbouring residents with regard to outlook and light. Whilst not decisive, I have had regard to Policy D.DH8 of the Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits as a material consideration, noting that the proposal would conflict with the policy's aim of protecting amenity.

Conclusion

10. For the reasons given above, and having considered all other matters raised, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR