



Appeal Decision

Site visit made on 15 August 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date:

Appeal Ref: APP/E5900/D/22/3298743

14 Rectory Square, London E1 3NQ

- 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 Chunu Miah against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/02617, dated 2 December 2021, was refused by notice dated 11 March 2022.
 - The development proposed is described as retrospective application for the outbuilding and proposed balcony at 2nd floor level with obscure glass balustrade.
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Decision

1. The appeal is allowed and planning permission is granted for retrospective application for the outbuilding and proposed balcony at 2nd floor level with obscure glass balustrade at 14 Rectory Square, London E1 3NQ in accordance with the terms of the application, Ref PA/21/02617, dated 2 December 2021, and subject to the following condition:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 01-11 Revision A - Block and Location Plan
Drawing 02-11 Revision A - Existing Plans
Drawing 03-11 Revision A - Existing Plans
Drawing 04-11 Revision A - Existing Elevations
Drawing 05-11 Revision A - Existing and Proposed Section
Drawing 06-11 Revision A - Existing and Proposed Section
Drawing 07-11 Revision A - Proposed Plans
Drawing 08-11 Revision A - Proposed Plans
Drawing 09-11 Revision B - Proposed Elevations
Drawing 10-11 Revision A - Proposed Second Floor Plan
Drawing 11-11 Revision A - Existing Outbuilding

Preliminary Matters

2. The appeal proposal includes two elements and I observed on site that the outbuilding appears to have been erected. Therefore, in this regard the drawings are intended to be a representation of what is already there. It is noted that there is no dispute between the parties regarding the outbuilding element of the proposal and as such I have not considered it further in this appeal.
3. While the application description refers to the proposal as a balcony, it is more alike to a terrace due to it sitting directly on top of the first-floor flat roof. The

balcony is interchangeably referred to in various document supplied with this appeal as both a balcony and a terrace. However, for clarity I have referred to it as a balcony in this decision as this is what is referred to in the description of development.

4. There is a discrepancy between the drawings provided and those which are listed on the drawing register and appeal questionnaire. The drawings listed and pdf file names detailed and provided, indicate that there are no revisions to any of the drawings except for drawings 07-11 and 08-11 which are shown as Revision A and 09-11 which is shown as Revision B. However, on inspection of the title box on the drawings, apart from 09-11 which correctly shows Revision B, all other drawings are shown as Revision A. As the submitted drawing pdf file names correspond to those listed on the appeal questionnaire, I have considered the appeal based upon these.
5. It is noted on the decision notice that the Council advise that the Juliette balcony as approved under PA/19/01707 is required to be reinstated otherwise enforcement maybe taken. However, this is a matter for the Council and I have therefore considered this appeal on the basis of the refusal of permission for the proposal before me.

Main Issues

6. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 13 Rectory Square with particular regard to outlook and sense of enclosure.

Reasons

Character and Appearance

7. The appeal property is located at the end of a terrace row and is within a relatively discrete corner of Rectory Square. The appeal property and the adjoining terrace property, 13 Rectory Square (No 13), step forward from the rest of the terrace row. There is a small side driveway to the end of the appeal property which serves adjacent properties. The appeal property has been extended with a part single/part two storey extension and rear dormer. No 13 also has a rear dormer. The Stepney Green Conservation Area (SGCA) lies adjacent to the appeal property and St Dunstan's Rectory and 25 and 27 White Horse Lane, Grade II listed buildings, and 29 White Horse Lane, a Locally Listed building, are nearby.
8. The proposal would consist of a second floor balcony which would sit over the first floor's roof. The balcony would span the full width of the property and would extend out from the rear elevation of the second floor by approximately 1.2 metres. It would be enclosed by a small brick parapet with obscure glass balustrade which would stand approximately 1.7 metres high.
9. There is no evidence of any similar balconies within the area. However, due to the relatively large scale of the host property, the small-scale addition of the balcony in conjunction with its elevated position would not create a highly visible feature from neighbouring properties. The use of a lightweight obscure glass balustrade would maintain the balcony as an unimposing feature. It

would not look particularly bulky or incongruous and would be a relatively small increase in No 14's rear massing.

10. The host and surrounding properties are fairly modern in construction and their fenestration detailing. Although there are no examples of the use of obscure glass balustrade in the area, due to its relatively limited size and positioning, its modern look would not be out of keeping with the host property or immediate surrounding area's character and appearance. I therefore consider that the proposed obscure glass balustrade does not constitute a low quality design solution.
11. Consequently, I conclude that the proposal would not affect the character and appearance of the area. It would accord with Policy S.DH1 of the Tower Hamlets Local Plan 2031 (Local Plan) which seeks, amongst other matters, to ensure development meets the highest standards of design and is appropriate in terms of scale, height, mass, bulk and form.
12. The proposal would also accord with paragraph 130 of the National Planning Policy Framework (the Framework) which seeks to, amongst other matters, ensure that development adds to the overall quality of the area.

Living conditions

13. The side elevation of the proposed balcony's obscure glass balustrade would sit forward of No 13's rear elevation. However, with the balustrade only being approximately 1.2 metres in length and standing around 1.7 metres high, the proposal would be a minor addition. Therefore, it would have a minor effect on any perception of enclosure to No 13. Any minor effect would be further limited by the balustrade's part transparency allowing light levels to be predominantly maintained to both the host property and No 13.
14. Furthermore, with the main window of No 13's dormer having reasonable outlook due to its high position on the rear of the property, and with its nominal offset away from No 14, the minor addition of the balcony would have a limited effect on outlook.
15. Accordingly, I conclude that the proposal would not be unacceptable in terms of its effect on the living conditions of the occupiers of 13 Rectory Square with particular regard to outlook and sense of enclosure. It would thereby accord with Policy D.DH8 of the Local Plan which seeks, amongst other matters, for development to ensure existing habitable rooms have acceptable outlook and unacceptable increases in the sense of enclosure are not created.
16. The proposal would also accord with paragraph 130(f) of the National Planning Policy Framework (the Framework) which seeks to ensure developments create places with a high standard of amenity for future users.

Other Matters

17. The appeal site is adjacent to the SGCA. In accordance with Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special regard to the desirability of preserving or enhancing the character or appearance of the SGCA. The area's significance is from the architectural quality of the residential houses and mansion blocks along its edges, and by the picturesque quality created by the mature trees of Stepney Green Gardens and associated properties' front gardens. The surrounding buildings within and

outside the Conservation Area are of varied design and size. No concerns have been raised that the proposed development would harm the SGCA and, given its location and limited scale, I concur with this assessment and that the character or appearance of the SGCA would therefore be preserved.

18. Similarly, the appeal site is fairly close to a number of listed buildings. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings that special regard is paid to the desirability of preserving the building or its setting. The Council do not object to the proposed development on the basis of any harm to the listed buildings and, given its distance and screening provided by the surrounding properties, I agree with this assessment. As such it would preserve the special interest and setting of them.
19. Although not raised as a reason for refusal by the Council, I note that reference is made to the proposal increasing the level of overlooking and potential noise nuisance to No 13. In terms of overlooking, as the height of the proposed balustrade would be approximately 1.7 metres and there is a large window at the second storey height in any event, then overlooking would not be increased by the proposal. With respect to noise nuisance, with the terrace being relatively narrow therefore limiting activities on it, and forward of the No 13, there is no compelling evidence before me to indicate that noise would be unacceptable. On the basis of the above, these matters do not alter my conclusions in relation to this appeal.

Conditions

20. As the development has already commenced due to the outbuilding being completed, I have not included a condition requiring commencement of development within 3 years. However, due to the balcony element which has not commenced, in the interest of certainty, I have included a condition requiring that the development is carried out in accordance with the identified plans.

Conclusion

21. For the reasons given above I conclude that the appeal should be allowed.

J Symmons

INSPECTOR