



Appeal Decision

Site visit made on 29 November 2022

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 09 JANUARY 2023

Appeal Ref: APP/E5900/W/22/3300458

71 Strahan Road, London E3 5DA

- 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 Noel Charles against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/02627, dated 3 December 2021, was refused by notice dated 13 April 2022.
 - The development proposed is basement extension to form one 1 bedroom 2 person self contained flat.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council have confirmed in their appeal statement that the revised information provided by the appellant in relation to cycle parking solutions would be appropriate and would resolve the concerns leading to the second reason for refusal set out on the Council's decision notice. Given there were no other objections to the proposal on the provision of cycle parking no party would be prejudice by me taking this additional information into account.

Main Issue

3. The main issue is whether the proposal would provide suitable living conditions for future occupants of the development with particular regard to outlook, privacy and the provision of outdoor space.

Reasons

4. The appeal site comprises of an end of terrace two storey dwelling, located in the Medway Conservation Area. The proposal would meet the requirements of the development plan with respect to the minimum space standards for a one bedroom, two person self contained flat, along with providing satisfactory internal ceiling to floor heights for future occupants. The submitted Daylight and Sunlight Report (Within Development) 17 November 2021 (DSR) identifies that there would be adequate levels of natural light within the proposed flat.
5. The bay window to the front of the proposed flat would provide the main outlook from the main living accommodation. It is located in very close proximity to the wall opposite limiting any view above and beyond it. Whilst I appreciate it would benefit from a door opening out into the lightwell space, given the limited area and depth, this would not provide sufficient mitigation by way of an alternative outlook.

6. The glazed entrance door and panel to the side in the corner of the main living area would give outlooks towards the outdoor space but the view would be dominated by the stairwell and the surrounding high walls. It would therefore not result in acceptable outlooks and would give a significant feeling of being enclosed. Larger areas of glazing would be provided to serve the bedroom and the office space, but they would also face directly towards the stairwell or the outer wall. Whilst they would be further away from the wall than in the case of the front window, it would still be in very close proximity resulting in very restricted outlooks.
7. The proposed provision of outdoor space meets the quantitative requirement set out under Policy D6 of The London Plan 2021 (TLP). Whilst quantitative standards are an important part of the assessment of living conditions, they are not altogether determinative given that the quality of the external space needs to be considered also. The rear garden space would be in part narrow in width which would limit its useability significantly. The area between the entrance door and the stairwell would need to be kept clear for access purposes limiting the use of this wider part of the space also.
8. The DSR confirms that the Building Research Establishment (BRE) Site Layout Planning for Daylight and Sunlight: a good practice guide 2nd Edition (2011) recommends that for an open space to appear adequately lit throughout the year, at least 50% of its area should receive two hours of sunlight on the 21st March. The DSR confirms that this standard would not be met with respect to the proposed rear outdoor space. I acknowledge that the DSR states that these standards are not mandatory and should be applied flexibly. However, in addition to the limited sunlight reaching the outdoor space, given the size and the nature of the space, being enclosed by high walls, it would result in a significant feeling of being enclosed with no visual relief which would be oppressive. Whilst I note it is proposed to reduce the height of the boundary wall slightly, this would not provide sufficient mitigation.
9. The appeal site is located in an urban area where relationships between properties are often more intimate. A boundary treatment is proposed around the garden area retained for the existing property which would prevent overlooking of the proposed flat and the associated external space from this area to the rear. Windows situated in the rear elevation and side elevation at both ground floor and first floor level would provide the opportunity for overlooking and given the close proximity and direct relationship this would be to an unacceptable degree. Were the appeal to be allowed a condition could be imposed requiring the kitchen window in the existing property to be obscure glazed to help prevent overlooking, however this would lead to a detrimental effect on the living conditions of the occupiers of the existing property.
10. I conclude that the proposal would result in unacceptable living conditions for future occupiers, with particular regard to outlook, privacy and the provision of outdoor space. Therefore, it would fail to comply with policies S.DH1 and D.DH8 of the Tower Hamlets Local Plan 2031 Adopted January 2020 and policy D3 of TLP which seek amongst other things to deliver high quality design, appropriate outlook, privacy and amenity and ensure adequate levels of daylight and sunlight, including amenity spaces within developments. The proposal would also be contrary to the relevant sections of the National Planning Policy Framework (the Framework), in particular paragraph 130 which seeks to create places that are safe, inclusive and accessible and which

promote health and well-being, with a high standard of amenity for existing and future users.

Other Matters

11. The Council did not refuse the application on the principle of residential development, the density proposed or on any grounds relating to accessibility or the sustainability of the location with regard to public transport, cycling and walking, biodiversity, flood risk, the storage and collection of waste, water usage or in relation to carbon dioxide emissions. Even if I were to agree with the Council, these would be neutral factors and would not weigh in favour of the proposal.
12. The appeal site is located in the Medway Conservation Area (CA). The significance of the CA lies in the consistency of architectural form, rhythm, scale and materials of the terraced properties. There are a range of front boundary treatments including brick walls, rendered walls, railings and various combinations using both materials. There is an existing basement area to the front of the property with a glazed panel at ground floor level within the front garden, screened by the boundary wall. There are other examples of front lightwells similar to that proposed within the CA which remain discrete due to the presence of established boundary treatments.
13. If the appeal were to be allowed, a suitable replacement front boundary treatment could be conditioned to be provided to ensure that the lightwell and any glazed panels were not overly dominant in the streetscene and that the replacement boundary treatment preserved the CA. Details of the design and materials of the additional pedestrian gate, needed to provide the additional access, could also be conditioned to ensure the preservation of an appropriate side boundary treatment that fronts onto the road. Subject to this, the proposal would not be harmful to the significance of the CA.
14. I acknowledge that the proposal would result in an additional unit of residential accommodation. However, given the scale of the scheme the contribution towards the housing supply would be small.

Conclusion

15. The proposal is contrary to the development plan as a whole, the approach in the Framework and all other relevant material considerations. The appeal is therefore dismissed

G Dring

INSPECTOR