



Appeal Decision

Site visit made on 5 January 2023

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 January 2023

Appeal Ref: APP/E5900/D/22/3306768

18 Old Bellgate Place, Tower Hamlets, London E14 3SW

- 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 Ashraf Razzaque against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/01275, dated 6 July 2022, was refused by notice dated 31 August 2022.
 - The development proposed is a new glass/steel balcony on first floor rear house elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host dwelling and the local area with reference to streetscene; and
 - The living conditions of neighbouring residential occupiers with reference to privacy.

Reasons

Character and Appearance

3. The host dwelling is a contemporary town house with 3 stories to the front part and two stories to the rear that forms part of a curved terrace, which, to the rear is concave and overlooks a closed off inlet from the Thames that appears to have previously connected to Millwall Outer Dock and is currently a slipway. Along with the other town houses in the terrace, the host dwelling has a small rear garden, which backs onto a footpath adjacent to the river inlet.
4. The proposal is for a first floor balcony to the host dwelling's only first floor rear window. The appellant indicates that this window would be adjusted to accommodate a revised form of opening that would be compatible with providing easy access to the proposed balcony. The proposed balcony would

be an approximate 2.76 Metre wide by 1 Metre deep steel deck finished to match existing metal finishes and with glass balustrades.

5. The rear of the terrace of which the host dwelling forms part is currently without any balconies and presents a unified appearance as a terrace, which is readily apparent from the open area at the rear of the property that surrounds the adjacent slipway and from the street at Westferry Road. Whilst there are many buildings in the local area that have balconies, including the flatted development at Jetty Court that is directly adjacent to the terrace, these balconies form part of an integrated design approach.
6. Given the location of the host dwelling and its open rear aspect the proposal would, despite being predominantly in glass, be a very apparent reflective element. In wider views the proposal would, therefore, appear as a stand-alone and unduly prominent addition to the host dwelling that would appear as an incongruous addition to the host dwelling. Further, the proposal would appear, within the context of the open aspect of the local street scene, as a discordant and incongruous addition to the otherwise cohesive design of the existing rear façade of the terrace.

Living Conditions

7. The proposed balcony would sit above and would overlook the small rear garden to the host dwelling. However, given the narrow width of the gardens to the houses in the terrace and the width of the proposal, it would also afford a significant additional degree of direct overlooking of the adjacent gardens of the terraced houses either side of the host dwelling, which would be intrusive.
8. Further, given the narrow width of the host dwelling and the large windows in the rear curved concave façade of the terrace, it would also afford views into the rear rooms at ground and first floor of other dwellings in the terrace, over and above that possible from the existing rear window, which would be to a degree that would be experienced by occupiers of these dwellings as intrusive.
9. The proposal would therefore result in a loss of privacy to neighbouring residential occupiers using their gardens and rear rooms of their dwellings.
10. Whilst the proposal would deliver additional amenity space for the occupiers of the host dwelling, potentially more fresh air at first floor level, as well as more extensive river views, these are predominantly private rather than public benefits and I can only afford these limited weight in my considerations.
11. The appellant is also of the view that the proposal would provide a precedence for future balconies to the terrace. The proposal before me is, however, for a single balcony and I have, therefore considered the proposal on its own individual merits, which is a fundamental part of the planning system.
12. I find, for the reason given above, that the proposal would result in significant harm to the character and appearance of the host dwelling, the terrace and that of the local area, along with significant harm to the living

conditions of neighbouring residential occupiers. This would be contrary to policies S.DH.1 and D.DH8 of the Tower Hamlets Local Plan (2020), policy D3 of the London Plan (2021) and section 12 of the National Planning Policy Framework (2021). These collectively seek, amongst other matters, to ensure that developments are of a high standard of design and integrate with the local area and maintain a high standard of amenity for neighbouring residential occupiers.

Conclusion

13. As the benefits of the proposal do not outweigh the significant harm that I have identified, the appeal is dismissed.

Victor Callister

INSPECTOR