



Appeal Decision

Site visit made on 10 January 2024

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

an Inspector appointed by the Secretary of State

Decision date: 01 February 2024

Appeal Ref: APP/E5900/D/23/3333650

99 Duckett Street, Tower Hamlets, London E1 4RW

- 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 Mrs Yasmiin Ibrahim against the decision of the London Borough of Tower Hamlets Council.
 - The application Ref PA/23/01512, dated 7 August 2023, was refused by notice dated 2 October 2023.
 - The development proposed is a single storey rear extension to form living room and new bedroom. New window to side elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the planning application to which this appeal relates, the National Planning Policy Framework has been revised. Consequently, I have therefore made my decision with regard to the National Planning Framework (December 2023) (the Framework).

Main Issue

3. The main issues are the effect of the proposal on:
 - The character and appearance of the appeal dwelling and the building of which it forms part; and
 - The living conditions of neighbouring residential occupiers.

Reasons

Character and Appearance

4. The appeal dwelling is a ground floor flat with rear garden, which forms part of a purpose built block of flats. It is located on the corner of Duckett Street at its junction with Bohn Road, in a residential area primarily made up of similarly scaled blocks of flats.
5. The proposed ground floor flat roofed extension would be to the full width of the garden frontage to the property, which has a setback on the side nearest the street elevation. It would align with the existing building elevation on Duckett Street and the garden fence between the appeal dwelling and the

neighbouring ground floor flat. The extension would extend into the garden of the appeal dwelling on the street facing elevation by approximately 5.7 metres. More than half of the street elevation of the proposed extension would sit behind the existing tall brick wall that forms the boundary between the rear garden and the footway. The proposed extension would be approximately 200mm taller than the existing lightly stepped wall and be set behind it by approximately 1.1 metres. This would screen the majority of the proposed extension from street views, with only a small part of the top of the street elevation of the proposal visible in street views.

6. The remaining part of the street elevation of the proposal would extend beyond the existing garden boundary wall and would include a window. This would horizontally align and be the same shape as the nearest existing window in the street elevation of the appeal dwelling. An additional window of the same size, as the existing window is also proposed on the other side of this existing window and would also horizontally align with it, resulting in these reading as a group of three with only the middle window aligning with the existing fenestration to the upper floors of the building. This would not, however, read as being in conflict with the existing Duckett street elevation of the appeal, dwelling and building of which it forms part.
7. The main views of the proposed extension would be from the rear windows and balconies of the first and second floor flats in the building of which the appeal dwelling forms part, particularly from the flats above the appeal dwelling. In these private views the proposed extension would appear to cover the majority of the rear garden. Due to the depth of the proposed extension, this would result in the appeal dwelling appearing to be out of keeping within its garden context and to appear to be over scaled in relation to the appeal dwelling.

Living Conditions

8. The side elevation of the proposal that would sit between the appeal dwelling and the garden of the neighbouring ground floor flat would extend rearwards by approximately 4 metres. This would join with the rear elevation of the building on what appears to be the boundary between the two dwellings, which is currently defined by a timber fence approximately 2 metres high. Where it joins to the rear elevation it would be approximately 2.69 metres in height and would be set in from the rear window of the neighbouring ground floor dwelling by approximately 1.1 metres. This proximity and the depth of the proposed extension would result in the proposed extension being experienced by the occupiers of No.157 as an oppressive presence, thereby causing an unacceptable loss of outlook for its occupiers.
9. During my late morning site visit it was apparent that the existing boundary fence cast a shadow approximately halfway up the window of the neighbouring dwelling. Due to the height and close proximity of the proposed extension to the neighbouring window, it would substantially block out morning sunlight to this window for most of the day and would also reduce the availability of indirect daylight available to the room that it serves. This would result in an unacceptable loss of sunlight and indirect daylight to this room throughout the year, particularly in the winter months, which would significantly accentuate the oppressive presence of the proposed extension that I have detailed above.
10. The appellant has brought to my attention planning consents, including consent given on appeal, for ground floor extensions nearby and in the wider Council

Area. Only limited information has been provided by the appellant, and the degree to which these would provide a direct exemplar for the appeal proposal is not clearly established. I can therefore afford these only very limited weight in my considerations. However, these would have been considered on their own individual merits and I have done likewise with the proposal, which is a main tenet of the planning system.

11. For the reasons given above, the proposed extension would result in moderate harm to the character and appearance of the appeal dwelling and the building of which it forms part, and substantial harm to the living conditions of the residential occupiers of the neighbouring ground floor flat. This would conflict with Policies S.DH1 and D.DH8 of the Tower Hamlets Local Plan 2031 (2020) and Policy D3 of the London Plan (2021) and Paragraph 135 of the Framework. These collectively seek to ensure that development, including extensions, is of a high standard of design and provide for appropriate outlook and sufficient daylight to surrounding housing, so as to not undermine the quality of life of neighbouring residential occupiers.
12. The Council's decision notice sets out that the proposal would be contrary to Policy D4 of the London Plan. I have not come to this same conclusion, as Policy D4 relates to design management procedures and policy guidance for London planning authorities.

Conclusion

13. The appeal is dismissed.

Victor Callister

INSPECTOR