



Appeal Decision

Site visit made on 14 June 2024

by S Poole BA(Hons) DipArch MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th July 2024

Appeal Ref: APP/U5360/D/24/3343070

10 Powell Road, London E5 8DJ

- 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 Ms Jenny Preston against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2023/2343, dated 6 October 2023, was refused by notice dated 19 March 2024.
 - The development proposed is the installation of a window comprised of opaque glass blocks and a roller shutter.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a window comprised of opaque glass blocks and a roller shutter at 10 Powell Road, London E5 8DJ in accordance with the terms of the application, Ref 2023/2343, dated 6 October 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: 101A dated 04.10.2023.
 - 3) No development shall commence until details of the opaque glass blocks hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Procedural Matters

2. In the interest of clarity and brevity I have used the description of development on the appeal form and decision notice in the banner heading above.
3. I have adopted the address given on the decision notice and application and appeal forms in the banner heading above. I note however that the property is described as 10A Powell Road on the drawings and grounds of appeal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of the occupiers of 16 Powell Road, with particular regard to light pollution and privacy.

Reasons

5. The appeal property is a small 2-storey house that is situated behind terraced housing facing Powell Road and is accessed via a courtyard. It is bounded on 3 sides by neighbours' gardens and development and as a consequence the ground floor is windowless other than the large opening facing the courtyard. The kitchen area at the back of the ground floor is therefore dark by comparison to other parts of the dwelling.
6. The proposal would comprise the formation of an opening in the rear ground floor wall above the kitchen units into which would be installed opaque glass blocks. The drawings also indicate that a roller shutter would be installed on the inside of the new opening and it is suggested that this could be controlled by a daylight sensor so that it closes when external light levels fall below a certain unspecified level. I share the Council's view that the long-term retention of this moving internal element would not be enforceable and therefore afford it limited weight in my assessment.
7. The glass block aperture would directly abut the side boundary of the rear garden of 16 Powell Road. When lights are on in the kitchen of the appeal property light would spill into the rear part of the garden of No.16. This light spill would be mitigated to a degree by the opaque glass blocks and whilst it would light a portion of the garden the openings in the rear of No.16 would be at right angles to the proposed glass block aperture and therefore the levels of light pollution due to the proposal within No.16 would be of a level that would not cause material harm.
8. I am satisfied that suitable opaque glass blocks would prevent occupiers of the appeal property from overlooking the neighbouring rear garden and would also prevent a sense of overlooking. Ensuring this is achieved can be secured by the imposition of a planning condition requiring the approval of details of the glass blocks and their retention in perpetuity.
9. For the reasons set out above I conclude that the proposal would not have an unacceptable effect on the living conditions of the occupiers of No.16. The proposal therefore accords with Policy LP2 of the Hackney Local Plan (2020) which, amongst other matters, states that development should be designed to ensure there are no significant adverse impacts on the amenity of neighbours. I also find no conflict with Policy D3 of the London Plan (2021).

Conditions

10. I have considered the conditions suggested by the Council having regard to the National Planning Policy Framework and Planning Practice Guidance. In addition to the standard time limit condition and the condition outlined above, a condition requiring the approved development to be carried out in accordance with the approved drawings is imposed for the avoidance of doubt and in the interests of proper planning.

Conclusion

11. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should succeed.

S Poole INSPECTOR