



Appeal Decision

Site visit made on 23 January 2025

by N Praine BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 February 2025

Appeal Ref: APP/E5900/W/24/3346853

633 Commercial Road, Tower Hamlets, London E14 7NT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Magdalena Skinner against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/00217.
 - The development proposed is described as the demolition of the existing outbuilding and erection of a two storey Hidden Mews house behind the existing retained brick boundary wall. Key features are 2 bed / 3 person occupation, first floor 2 beds, ensuite and study space, basement featuring a light well, bathroom and open plan kitchen, living and dining. Sedum roof proposed along with rainwater harvesting.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It appears that the appeal building is being used as a flat and I note the earlier planning consent under PA/16/01510. The Council advises that the current situation on site is not in accordance with the approved details associated with PA/16/01510.
3. My assessment of the proposal is therefore based on the plans before the Council at the time of the planning application¹ and any reference to 'existing' in this decision relates to the situation as shown on the relevant drawings associated with this appeal.
4. The views of the main parties were sought following the publication of the revised National Planning Policy Framework on 12 December 2024. Their responses have been taken into account in this decision.

Main Issues

5. The main issues are the effect of the proposed development upon the living conditions of future residential occupants with particular reference to light, outlook and privacy, and existing residential occupants with particular reference to privacy.

¹ Tower Hamlets Ref: PA/23/00217

Reasons

6. The importance of natural light in homes is widely understood, this includes the reduction in a reliance on electric lighting and the physical and mental health benefits that daylight brings.
7. The proposed development would be over two floors with a ground and basement level floor. While I note that the basement would be served by a lightwell and rooflights, the lightwell would be modest in size accessed by patio doors and the two rooflights would sit over the lounge area. The kitchen area would be partially screened from the lightwell given the intervening en-suite. While these features are all noted, the application is not supported by a site-specific Daylight Sunlight Assessment ("DSA") to evidence that the proposed dwelling would receive adequate light. In the absence of a DSA I cannot be certain that the appeal proposal would provide adequate light.
8. I appreciate that an earlier application under Tower Hamlets reference PA/16/01510 was supported by a DSA and this was found to be acceptable. However, there is limited documented evidence before me to suggest this earlier scheme would be identical or very similar when compared with the current appeal to enable the same conclusions to be drawn. This therefore has limited bearing on my overall findings.
9. Residential occupiers should also be able to enjoy good quality outlook to the external environment from habitable rooms. The basement would be served by a modest lightwell located to the corner of the open plan living area and two rooflights. The lightwell is shown on the proposed plans to measure three square metres. The two rooflights would look up into the ground floor hallway/study.
10. The outlook from the basement would be limited given the size and location of the lightwell and the outlook through the rooflights would equally be limited given the view upwards into another room. This would generate a sense of enclosure, and such limited outlook would be inadequate for the day-to-day requirements of future occupiers. Consequently, the appellant has not clearly demonstrated that there would be an acceptable level of outlook achieved within the basement.
11. I acknowledge the earlier scheme which also incorporated a lightwell², however there is limited documented evidence before me to suggest this other scheme would be identical or very similar when compared with the current appeal to enable the same conclusions to be drawn. This therefore has limited bearing on my overall findings.
12. The site is located within an urban area where a degree of overlooking would be expected. Two proposed windows would face onto the windows at 633 Commercial Road and vice versa. I acknowledge the limited distance between these existing windows and the proposed development. However, the existing windows are set at different levels than the windows which would serve the proposed development. This offset in window level would reduce opportunities for mutual overlooking to an acceptable level between No 633 and the appeal site.

² PA/16/01510

13. The drawings show that the proposed lightwell would be surrounded by railings. The detail of these railings are not before me but it suggests a series of vertical posts. If this appeal were acceptable in all other regards, a condition to agree the detail of the railings would be appropriate to ensure they do not become overbearing to or unacceptably reduce the amount of light to any residential occupiers.
14. While I have found the impact regarding privacy would be acceptable, the proposed development would nonetheless have an unacceptably harmful effect on the living conditions of future residential occupants with particular reference to light and outlook. The proposal would therefore be contrary to the relevant provisions of Policies D.H3 and D.DH8 of the of the Tower Hamlets Local Plan (2020) and Policy D6 of the London Plan (2021). These, amongst other things, address the need for high quality design therefore respecting the living conditions of residential occupiers.

Planning Balance

15. The proposal would deliver one additional dwelling to the Council's housing stock in an urban area. The appeal site would make effective use of previously developed land and there would be economic and environmental benefits including a sedum roof and rainwater harvesting system. Given the limited quantum of development, I ascribe the cumulative impact of all these benefits moderate weight.
16. However, the harm I have identified regarding the effect on the living conditions of future residential occupants would be long lasting and considerable. This harm attracts substantial weight.
17. I appreciate the Council found no other harm other than that which is set out in its decision and I found the impact regarding privacy to also be acceptable. However, the absence of harm in these aspects has limited bearing on my overall findings.
18. Accordingly, the harm I have identified would not be outweighed by the benefits to tip the planning balance in the appeal scheme's favour when set against its conflict with the development plan.

Other Matters

19. The appellant has expressed concerns regarding the time taken to reach a decision by the Council during the application process. Whilst this must have caused the appellant some distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

The proposal would conflict with the development plan when taken as a whole and for this reason the appeal should be dismissed. There are also no other material considerations of sufficient weight to indicate a decision should be made contrary to this conclusion.

N Praine

INSPECTOR