



Appeal Decision

Site visit made on 27 February 2025

by SJ Desai BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2025

Appeal Ref: APP/E5900/D/24/3356443

38 Ellesmere Road, Tower Hamlets, London E3 5QX

- 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 Sebastian Fallert against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01341.
 - The development proposed is described as 'single storey extension: alteration to the height of the rear extension, the addition of parapet walls, change to boundary treatment and glazing dimensions of the rear facade as approved in planning application PA/21/01721.'
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. Planning permission was granted for the construction of a single storey rear extension in 2021 (Ref: PA/21/01721/NC). However, this was not constructed in accordance with the approved plans. Permission was subsequently applied for and refused for the development (Ref: PA/24/01341), which is the subject of this appeal. The development applied for has therefore been carried out.
3. I have determined the appeal on the basis of the Council's description of the development proposed, which I have used in the bullet header above, as it more accurately describes the development. For the avoidance of doubt, I also confirm that my determination of the appeal is based on the drawings submitted with the original application.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of 36 and 40 Ellesmere Road, with particular regard to outlook.

Reasons

5. The appeal relates to a three-storey, mid terrace dwelling, that is located in a predominantly residential area. Typically, dwellings in the surrounding area are relatively narrow in width, with evenly spaced pairs of half-width rear outriggers that are set away from the shared boundaries.
6. No.40 has a ground floor window within its original rear elevation and three windows facing the appeal property, within the flank wall of its outrigger and single

storey rear extension. To the other side, No.36 has a ground floor window within the rear elevation of its outrigger.

7. The development wraps around the rear elevation of the appeal dwelling, spanning its full width and in filling the gap between the outrigger and the shared boundary with No 40. It projects outwardly from the rear elevation of the main dwelling by approximately 7.8m and runs along both shared boundaries. The Council also measure it to have a maximum height, to the top of the parapet, of approximately 3.78m.
8. Given its height, scale, and proximity to the shared boundary and the ground floor habitable room windows of No.40, the development significantly dominates the outlook from these windows, thereby having an oppressive and overbearing effect and creating an unacceptable sense of enclosure. The development also projects approximately 3.6m beyond the rear window of the neighbouring outrigger at No.36 and extends upwardly above the top of this window. At such close quarters to this opening, the development also significantly prejudices the level of outlook from it.
9. Accordingly, I find the development to unacceptably harm the living conditions of the neighbouring occupiers at 36 and 40 Ellesmere Road, with particular regard to outlook. As such, I find conflict with Policy D.DH8 of the Tower Hamlets Local Plan 2031 2020. This requires, amongst other matters, that developments avoid an unacceptable sense of enclosure and ensure new and existing habitable rooms have an acceptable outlook.

Other Matters

10. Neither main party has raised any objections to the effect of the development on the Driffield Road Conservation Area. In reaching my decision I have also had special regard to the statutory duty to pay special attention to the desirability of preserving and enhancing the character and appearance of that area. Given that the development is positioned at the lower levels of the rear elevation of the appeal property, I agree that the proposal would not harm the significance of the heritage asset, which appears to lie in its homogenous layout of small-scale streets, containing uniform terraces and historic roofscapes. On this basis, I am satisfied that it preserves those interests.
11. In reaching my findings I have had regard to the conclusions of the submitted daylight and sunlight assessment, and the energy efficiency benefits put forward. I have also been made aware of the structural reasons for the changes to what was previously granted permission under Ref: PA/21/0172/NC. However, these factors do not outweigh or overcome the harm that I have identified. I also have considerable sympathy for the financial position that the family finds itself in. However, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent.
12. Furthermore, I do not have the full details of the circumstances that led to all of the examples of similar extensions put to me being accepted. On the evidence presented I therefore cannot be certain that they represent a direct parallel to the development. I have, in any event, determined the appeal based on its own planning merits.

Conclusion

13. For the reasons given above, the development conflicts with the development plan and there are no material considerations of sufficient weight to indicate that the development should be determined otherwise than in accordance with it. The appeal should therefore be dismissed.

SJ DESAI

INSPECTOR