



Appeal Decision

Site visit made on 26 June 2025

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2025

Appeal Ref: APP/E5900/C/23/3325570

7 Athol Square, London, E14 0NP

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Nizam Uddin Ali against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
- The notice was issued on 9 June 2023.
- The breach of planning control as alleged in the notice is 'The erection of a single storey addition to the south elevation of the property shown in the approximate location outlined in blue on the attached site plan in Appendix 1'.
- The requirement of the notice is to
 - 1) Remove the addition, shown outlined in blue on the attached plan and shown in photographs 2A, 2B, 2C and 2D of Appendix 2 from the south elevation of the building.
- The period for compliance with the requirement is 3 months.
- The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.

Decision

1. The appeal is dismissed, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Planning History

2. An application for Prior Approval¹ for a proposed single storey rear extension extending 3.30 metres beyond the rear wall of the dwelling with a maximum height of 4 metres and eaves height of 3 metres was approved on 20 July 2020.

Main Issues

3. The main issues are (i) the effect of the development upon the character and appearance of the surrounding area and (ii) the effect of the development upon the living conditions of neighbouring occupiers.

Reasons

Character and Appearance

4. Athol Square consists of dwellings of similar design located in a square pattern off Blair Street. The appeal property is located at the far end of a block of dwellings whose gardens have a rear boundary wall with a cul- de- sac beyond which provides bollarded access to the apartment blocks on the opposite side.

¹ PA/20/01032/NC

5. The boundary wall is of two different heights with a lower section towards Blair Street. Behind the boundary wall, rear gardens of Athol Square are largely open in character with dividing fences. The other properties in the row apart from the appeal property have not been extended at the rear. Two of the properties have garden sheds. One shed is largely hidden from view by the higher section of wall and the other is set back from the wall.
6. The appeal property is a two storey dwelling. It has reduced outside space due to the presence of the single storey extension that was permitted July 2020 (the permitted extension). The Council indicates that the area covered by the permitted extension which was previously outside space was 49.58% just below the 50% permitted by Part 1 Class A of the General Permitted Development Order 2015 as amended (the GPDO). The permitted extension with a sloped roof extends across the full width of the appeal property and sits just below the first floor windows.
7. The development is described as an addition to the permitted extension, is around 2.1 square metres of space and is being used for domestic storage and also to house a boiler with an external flue. It is roughly square in shape, largely made of bricks, has a sloping roof with a flue and a single UPVC door and sits between the permitted extension and the rear boundary wall and is built up to the side boundary with the neighbouring property. There is also guttering to the edge of the development along the side boundary. The guttering extends down the outside of the rear boundary wall into the cul de sac.
8. The development further reduces the limited amount of outdoor space that existed after the permitted extension was constructed. The height of the development exceeds the boundary wall. Viewed from the rear cul -de- sac, it appears unfinished with a cement patch and the sloping roof clashes with the level rear boundary wall and the level edge of the roof of the permitted extension behind it. All of the guttering does not appear to be within the boundary of the appeal property. The flue appears out of keeping on a sloped roof in a rear garden location.
9. The design, height and location of the development results in the appeal site appearing overdeveloped in comparison to the character of the surrounding area where outdoor space is largely uncluttered and free from development.
10. Whilst there are some sheds in outside gardens, those sheds are not comparable to the development in terms of location, design or degree of permanence. In contrast, the development adds further built development to the appeal property where outdoor space was already significantly reduced by the permitted extension.
11. For the reasons given, the development does harm the character and appearance of the area, It is therefore contrary to Policy S.DH1 of the Tower Hamlets Local Plan 2031 which, amongst other things, seeks to ensure that the design of development is sensitive to and enhances the local character and setting of the immediate area and is of an appropriate scale, height, mass and bulk and form in its site and context.

Living conditions of neighbouring occupiers

12. Policy D.DH8 of the Tower Hamlets Local Plan 2031 aims to protect the amenities of the neighbouring occupiers with regards to daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

13. The Council refers to the bare cement creating an unappealing outlook for neighbouring properties but that is the view from the public realm. The issue of visual harm from the public realm has, in any event, already been addressed as part of this decision.
14. Reference is then made to 'visual intrusion for neighbouring occupants as viewed from the rear garden from the residential development at Blair Street.' However, in the absence of any further explanation, it is not clear which neighbouring occupants the Council is referring to when the closest property to the appeal site is next door and on Athol Square not Blair Street. I do not consider occupiers of the apartment block to be 'neighbouring occupiers' due to the presence of the cul-de-sac. Even if the Council was referring to the apartment block, the reference to views from the rear garden is confusing. The Council has not indicated which aspects of living conditions having regard to the policy wording it considers are impacted.
15. Based on the limited information before me, I do not find harm to living conditions of neighbouring occupiers. I therefore find no conflict with Policy D.DH8 of the Tower Hamlets Local Plan 2031 with regards to daylight and sunlight, outlook, overlooking, privacy and sense of enclosure.

Conclusion

16. I have not found harm with regard to living conditions based upon the information before me. I have, however, found harm with regard to the character and appearance of the area which is in conflict with the development plan. There are no material considerations that would lead me to make a decision other than in accordance with the development plan.
17. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act (as amended).

E Griffin

INSPECTOR