



Appeal Decision

Site visit made on 19 June 2025

by **SJ Desai BSc MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 28 July 2025

Appeal Ref: APP/E5900/D/25/3362598

61 Johnson Street, London E1 0AQ

- 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 Ms Helen Ruane against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/02128
 - The development proposed is described as a single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 61 Johnson Street, London E1 0AQ in accordance with the terms of the application, Reference PA/24/02128 and the plans submitted with it, 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 plans: 003 Proposed Plans, 004 Proposed Elevations, 005 Existing and Proposed Block Plan, 006 Location Plan.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those specified in the 'Materials' section of the planning application form.
 - 4) The building hereby permitted shall not be used for any uses other than those ancillary to the enjoyment of the dwellinghouse known as 61 Johnson Street.

Procedural Matter

2. I note the appellant has referred to the recovery of some costs which seem to be from this and a past application process only. There is no formal application for costs submitted with this appeal explaining how the appellant feels they incurred unnecessary or wasted expense in this appeal process as a result of unreasonable behaviour by the Council in respect of procedural or substantive matters, having regard to the advice in the Planning Practice Guidance. Therefore, I have not treated the submission as an application for an award of costs.

Main Issues

3. The main issues are:

- the effect of the proposed development on the character and appearance of the host dwelling and the area;
- the effect of the proposed development on the living conditions of the occupiers of 63 Johnson Street (No.63), with particular regard to outlook, overshadowing, daylight; and,
- whether the proposed development would provide acceptable living conditions for the occupiers of the host dwelling, with particular regard to internal space standards, outlook and privacy.

Reasons

Character and appearance

4. The appeal site comprises an end of a terrace of four similar properties located in a relatively secluded corner position at the northern end of Johnson Street, abutting a railway viaduct. The host dwelling benefits from gated side access and a wraparound garden within an irregular plot that is markedly larger than those of the neighbouring terrace properties.
5. The appeal proposal involves the erection of a single-storey rear extension, which would extend upon the existing rear outrigger and project across the rear elevation of the dwelling into the adjoining side garden area. The extension would have a flat roof with a maximum height of approximately 2.6 metres.
6. The design responds to this specifically wide and irregular form and configuration of the plot, and, given the generous proportions of the site, the addition would not appear overbearing in the context. Despite being marginally wider than the host dwelling it remains clearly subordinate to the host dwelling in terms of its floorspace, depth, scale, height and massing and integrates comfortably with the existing built form. Therefore, it would not be viewed as competing with, or disproportionate to, the host dwelling.
7. The Council has raised concern about the proposed projection beyond the rear boundary wall of the terrace. However, as a result of its siting to the rear of the appeal property and its limited height, the proposed development would not be readily perceptible from Johnson Street or any other public vantage point. Consequently, it would have no material impact on the public appreciation of the distinctive terrace or the prevailing townscape. The discrete location of the site, situated at the end of the terrace and adjacent to the railway viaduct, together with the presence of mature boundary vegetation, significantly limits private views. Where glimpsed from neighbouring gardens, the proposal would be seen in the context of the larger buildings to the east and would not appear incongruous or prominent. As such, the development would preserve the visual integrity of the terrace despite the lack of extensions and alterations at adjacent properties.
8. I therefore find that the proposed development would not harm the character and appearance of the host dwelling or the area. As such, the proposal would not

conflict with Policies D3 or D4 of the London Plan (2021) (LP) or Policy S.DH1 of the Tower Hamlets Local Plan 2031 (2021) (THLP).

Living conditions of the occupiers of 63 Johnson Street

9. The proposed development would, when compared with the existing boundary wall, result in a relatively limited increase in height for a short distance along the shared boundary with No. 63. The nearest ground floor window at No. 63 appears to serve a bathroom and is obscurely glazed, substantially mitigating any impact on outlook or daylight from that window. While the increase in height would result in some increased sense of enclosure from the rear garden area this would in my judgement result in a very minor change and, having regard to the remaining aspect and outlook, would preserve the amenity of the occupiers of No. 63.
10. Having regard to the orientation of the properties, the path of the sun and the limited scale of the proposed development, I find no compelling evidence to suggest that the proposal would cause undue overshadowing to No. 63 or its garden area.
11. Though the appeal scheme would result in some limited changes, I find that the proposed development would not result in harmful living conditions to the occupiers of No.63. As such, the proposal would not conflict with Policy D14 of the LP or Policy D.DH8 of the THLP, which amongst other matters, require development to consider the impact on the amenity of neighbouring properties.

Living Conditions for current/future occupants

12. The Council has expressed concern that the extension could function as a self-contained residential unit. However, I find these concerns to be unsubstantiated. The absence of a kitchen, the clear internal access to the host dwelling, and the submitted supporting information all point convincingly toward an ancillary residential use. Its future habitation as a separate dwellinghouse independent of the host dwelling would be a breach of planning control, which would be within the gift of the Council to enforce under other planning legislation, if it were so minded.
13. Policy D6 of the LP sets minimum internal space standards for new self-contained dwellings. As this proposal does not involve the creation of a new planning unit, but rather ancillary accommodation, those standards are not directly applicable. The floor area and ceiling height, while modest, are sufficient for the proposed use and the needs of the occupier, and the accommodation is functionally arranged with acceptable levels of natural light and outlook.
14. As an extension to the host dwelling providing ancillary accommodation, rather than the creation of a separate planning unit, I do not find there would be harm to the living conditions of existing occupiers of the appeal dwelling in respect of privacy. Changes to the internal configuration of the existing outtrigger and the revised elevations with a window and windowed door would provide a good level of outlook for the re-configured space.
15. Consequently, I am satisfied that the proposal would provide a suitable standard of accommodation for its intended use and would not prejudice the living conditions of existing or future occupiers of the host dwelling. The development therefore accords with Policies D4 and D6 of the LP (2021) and Policies S.H1, D.H3 and D.DH8 of the THLP (2021).

Other Matters

16. I acknowledge the concerns from a resident of the adjacent Coburg Dwellings. However, the proposed extension is modest in scale and screened by the boundary wall and mature vegetation. It would not cause any unacceptable loss of light or outlook. The extension remains clearly subordinate to the host property and would not in my view appear overbearing. In terms of privacy, I agree with the Council that the proposal would not result in any material overlooking or loss of privacy to neighbouring occupiers, including those at Coburg Dwellings, when noting its single storey nature and the existing boundary wall.
17. The Council and Appellant's evidence refer to an occupier that from what is set out, may have protected characteristics under the Equalities Act 2010, which the Council does not appear to dispute, or suggest should not be given full weight. However, as I have found the appeal scheme acceptable on its planning merits, I have not considered this matter further.

Conditions

18. I have considered the conditions suggested by the Council against the tests of paragraph 57 of the Framework and advice in the Planning Practice Guidance. In addition to the statutory time limit condition, I agree that a condition specifying the relevant plans is necessary to provide certainty. A modified condition relating to materials is also reasonable and necessary in the interests of clarity. A condition which seeks to restrict the use of the proposed building to a residential annex is also reasonable, necessary and enforceable, to prevent the proposed building being used or occupied as a separate and independent dwelling.
19. While the Council's delegated report references a noise assessment condition, it is not included in the recommended conditions. The proposal is for an extension to an existing dwelling, not a new build, and would not be materially closer to the railway line. Based on my site visit, the evidence provided, and modern building standards, internal noise levels in the extension are unlikely to differ significantly from those in the existing dwelling. The Council has offered no compelling evidence to demonstrate that current noise conditions are unacceptable. Accordingly, a noise assessment condition is unnecessary.
20. A construction management condition is similarly referenced but not included in the Council's recommended conditions. Given the modest scale of the proposal and the available access to the side garden, there is no justification for such a condition. It is not necessary to make the development acceptable.

Conclusion

21. I find the proposed development is compliant with the development plan read as a whole. There are no considerations advanced that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, the appeal is allowed

SJ Desai

INSPECTOR