



Appeal Decision

Site visit made on 10 September 2010

by **Gary Deane BSc(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State
for Communities and Local Government

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Decision date:
1 October 2010

Appeal Ref: APP/E5900/A/10/2123847

Anchor & Hope Public House, 41 Westferry Road, London E14 8JH

- 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 Nilesh Lukka against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/09/01972, dated 28 September 2009, was refused by notice dated 24 November 2009.
- The development proposed is the change of use of existing public house to two Class A1 shops at ground floor level with basement store; the use of the upper floors as two, 2-bedroom flats and two studio flats including the erection of a side extension at 1st and 2nd floor levels and an additional 3rd floor.

Decision

1. I dismiss the appeal.

Procedural matter

2. The Council has advised that the address of the flats above the Fire Station within the building to the south east of the site has changed to 2 Manilla Street. The previous address of these flats was 43 Westferry Road. Although the Council's reason for refusal refers to the former address, I have used 2 Manilla Street as this is now the correct address.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the 2nd floor flats of 2 Manilla Street, with particular regard to daylight.

Reasons

4. The proposal would include an extension at 1st and 2nd floor levels and an additional 3rd floor to the appeal property, the Anchor and Hope Public House. As such, the proposed development would reduce the daylight that would reach some of the northwest-facing windows of the adjacent building, 2 Manilla Street. It appears to be accepted that at least one, 2nd floor flat of No 2 would be affected in terms of the loss of daylight as its living room window and balcony would be situated close to the southeast corner of the proposed building.
5. The appellant's Daylight and Sunlight Study (the Study) concludes that the percentage of sky visible from the centre of the living room window of a 2nd floor flat (the vertical sky component or VSC) would be below the guidelines

set out in the British Research Establishment document, *Site Layout Planning for Daylight and Sunlight – A Guide to Good Practice* (BRE). The Study also makes reference to additional windows serving the living room of a 2nd floor flat and, in using a different measure, the Average Daylight Factor (ADF), concludes that the loss of daylight for that room would, nonetheless, be within acceptable limits for its occupiers. However, in reaching these conclusions the Study is not accompanied by a plan or photographs that identify the particular windows to which those results relate. Moreover, the assessment is not supported by, for example, a plan showing the internal layout of that flat and how the windows specifically relate to the proposed development.

6. These are important deficiencies given the findings of the assessment, which indicate, to my mind, that the estimated VSC reduction in relation to at least 2 windows of No 2 would be significant and the reliance placed on the additional living room windows in providing adequate daylight to a 2nd floor flat. Against that background, and given the important role that light plays in the enjoyment of living spaces, I am not persuaded that the loss of daylight in relation to the living room of at least one 2nd floor flat of No 2 would be within acceptable limits with regard to the living conditions of its occupiers.
7. The Study also concludes that there would be significant VSC reductions to the 1st floor room windows of the Fire Station and that, as a result, the BRE guidelines with regard to this measure would not be met. As these rooms would provide sleeping accommodation for the fire fighters associated with the Fire Station, their use would generally be on a short-term basis. In those circumstances, the Council raises no objection to this aspect of the proposed scheme and, on balance, I, too, find the proposed development acceptable in this respect.
8. I therefore conclude that the proposal would cause unsatisfactory living conditions for the occupiers of at least one 2nd floor flat of No 2. It would therefore conflict with Policy DEV2 of the Tower Hamlets Unitary Development Plan, which seeks to ensure that adjoining buildings are not adversely affected by a material deterioration of their light conditions. The proposal would also conflict with Policies CP4 and DEV1 of the Council's interim planning guidance, *Core Strategy and Development Control Submission Document*. The underlying aim of this guidance is to ensure that development incorporates good design principles including access to light.

Other matters

9. For the occupiers of the 2nd floor flats of No 2, and those of the 1st floor rooms of the Fire Station, the additional built form of the proposal close to these windows would feel imposing. However, given that the existing building is already close to this accommodation, there would already be some sense of enclosure for these existing occupiers. I doubt that the additional height and scale of the proposed building would unduly heighten the sense of enclosure to the extent that the living conditions of these occupiers would be significantly harmed. Furthermore, there would be no noticeable loss of sunlight for the occupiers of No 2 primarily due to the position of the proposed development to the northwest of this building.

10. Interested parties raise several additional concerns regarding the proposed development including light and privacy for the occupiers of the Franklin building, the arrangements for refuse and recycling, outlook and security. These are all important matters and I have taken into account all the evidence before me. However, given my findings on the main issue these are not matters upon which my decision has turned.

Conclusion

11. I have had regard to all other matters raised. However, these matters are not sufficient to outweigh the harm that I have identified. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR

