

**Application for Planning Permission**[click here for case file](#)

<b>Reference</b>	PA/22/02454
<b>Site</b>	59 Lockesfield Place, London, E14 3AJ
<b>Ward</b>	Island Gardens
<b>Proposal</b>	Erection of a first floor rear extension.
<b>Summary Recommendation</b>	Grant planning permission with conditions
<b>Applicant</b>	Mr R Patel
<b>Architect/agent</b>	Mr A Rahman, A786 Studio
<b>Case Officer</b>	Sally Fraser
<b>Key dates</b>	- Application registered as valid on 22/11/2022 - Public consultation finished on 27/12/2022

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**EXECUTIVE SUMMARY**

The application property is an existing, registered small House of Multiple Occupation (use class C4), with 5 bedrooms and 5 occupants. The application proposes the erection of a first-floor rear extension, which would sit on top of an existing ground floor rear extension.

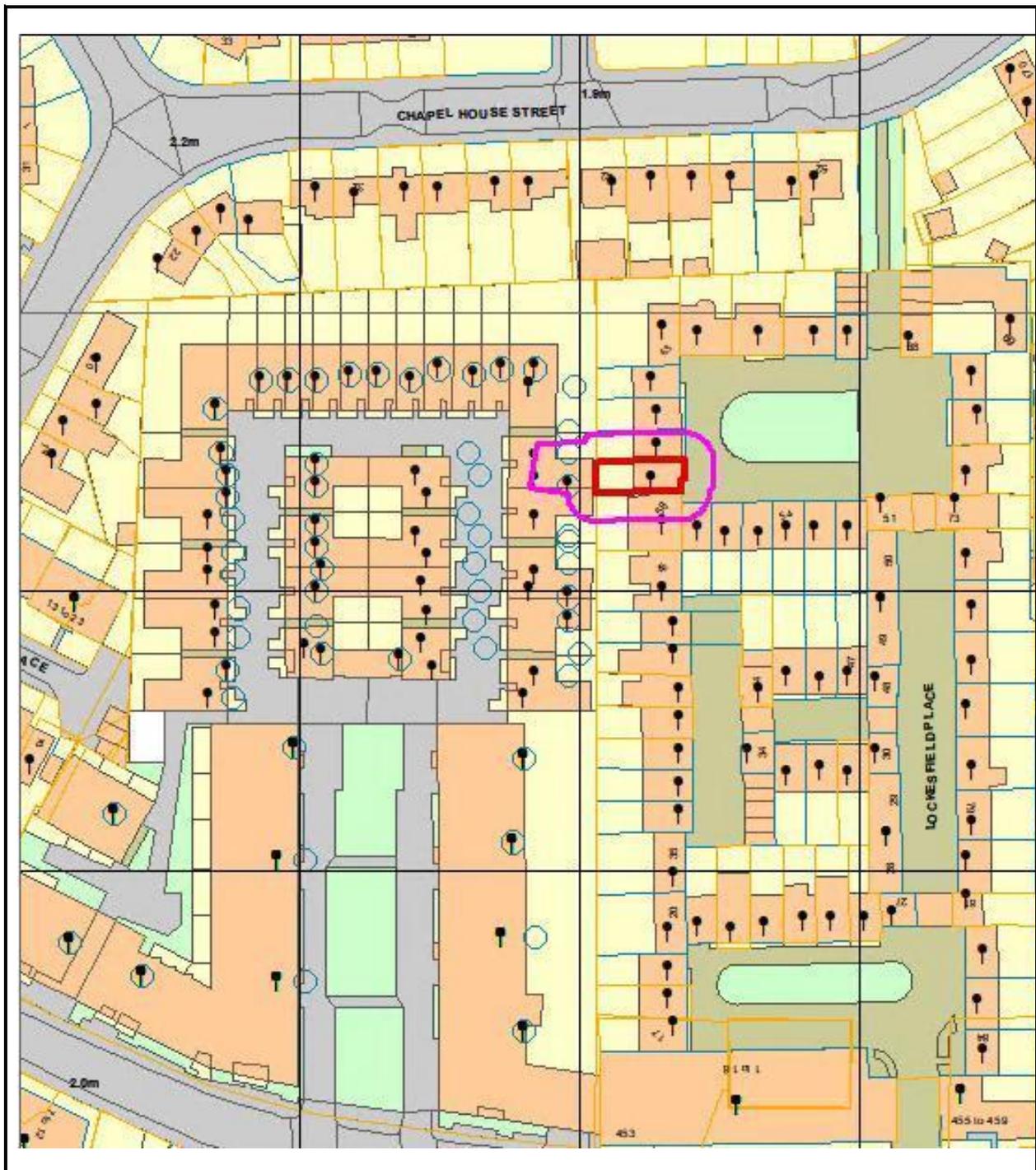
No additional bedrooms or occupants are proposed; the extension would facilitate additional floorspace within the first floor rear bedroom.

The proposal, by reason of its modest size and sympathetic design, would be in keeping with the scale and character of the property and the terrace of properties within which it sits.

The proposal, by reason of its modest size and relationship with the neighbouring sites, would not result in any undue loss of light to or outlook from the neighbouring windows, nor any undue sense of enclosure to the neighbouring occupiers, from their homes or gardens.

The proposal is acceptable in planning terms, and approval with conditions is recommended.

**SITE PLAN:**



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- Planning Application Site Boundary
- Other Planning Applications
- Consultation Area
- ↑ Land Parcel Address Point
- Locally Listed Buildings

**Planning Applications Site  
Map  
PA/22/02454**

This site map displays the Planning Application Site Boundary and the extent of the  
Scale: 50m grid squares



**TOWER HAMLETS** London  
Borough of Tower Hamlets

Date: 20 October 2023

# 1 SITE AND SURROUNDINGS

- 1.1 The Site contains a two storey mid-terrace property, with a recently constructed single storey rear extension. The property is used as a 'small HMO' (use class C4), with 5 occupants. The property has held an HMO Licence for a number of years and the current Licence expires in June 2025.
- 1.2 The Site forms part of the wider 'Lockesfield Place' estate, which comprises of modest terraced properties, developed in the late 1980s. Adjoining the site to the south lies number 58 Lockesfield Place and, to the north, number 60 Lockesfield Place. To the west of the site lies the recently constructed 'Island Point' residential development.
- 1.3 The site does not lie within a conservation area and the property is neither listed nor locally listed. The Chapel House Conservation Area lies some 30m to the north.



Figure 1 – Aerial photograph of the Site, with the subject and adjoining properties numbered



Figure 2 – Aerial photograph of the Site

## 2. PROPOSAL

- 2.1 The applicant seeks permission for the erection of a first floor rear extension.
- 2.2 The proposed extension would be 3m deep and 2.7m wide with a flat roof, in brick to match the existing house.
- 2.3 The extension would provide additional floorspace for the first-floor rear bedroom.
- 2.4 The proposal is an amendment to the scheme proposed within application PA/20/01092, which was refused by the LPA and dismissed at appeal in 2021. Application PA/20/01092 is referenced in the main body of this report as the 'Appeal Scheme'. A selection of drawings of the Appeal Scheme is at Appendix 3 and the appeal Decision is at Appendix 4.

## 3. RELEVANT PLANNING HISTORY

### Application site

- 3.1 PA/20/01092: Erection of a two storey rear extension. **Refused** 30/07/2020, for the following reasons:
  - *The first-floor extension by reason of its location, size and design, would be excessively bulky and discordant addition which would be out of scale with the host dwelling and out of character with the row of properties in which the application site sits;*
  - *The first-floor rear extension, by reason of its size, bulk and location, would result in significant and unacceptable loss of sunlight to and outlook from number 60 Lockesfield Place and an unacceptable sense of enclosure to the occupiers, as experienced from their home and garden*

The decision of the LPA was appealed on 20/10/2020, and the appeal was **dismissed** on 31/08/2021 (ref: APP/E5900/D/20/3261628); for the following reason:

- *The proposal would have an unacceptable impact on the living conditions of the occupiers of number 60 with regard to outlook and sense of enclosure*

- 3.2 PA/20/00257: Proposed single storey ground floor rear extension. Permitted, 02/04/2020.
- 3.3 PA/08/00206: Certificate of lawfulness for a proposed erection of a rear conservatory. Permitted, 02/04/2008.

### Neighbouring properties

- 3.4 PA.19/01763 (65 Lockesfield Place): Erection of a two storey rear extension. Permitted, 25/10/2019.
- 3.5 PA/19/02791 (64 Lockesfield Place): Erection of a two storey rear extension. Permitted, 14/02/2020.
- 3.6 PA/19/00543 (73 Lockesfield Place): Proposed ground and first floor rear extension. Permitted 16/07/2020.
- 3.7 PA/17/03127 (81 Lockesfield Place): Proposed ground and part first floor rear extension. Permitted, 15/06/2018.
- 3.8 PA/20/00632 (22 Lockesfield Place): Proposed double storey rear extension. Permitted, 18/05/2020.

3.9 PA/20/01773 (26 Lockesfield Place): Proposed double storey rear extension. Permitted, 19/10/2020.

#### 4. PUBLICITY AND ENGAGEMENT

4.1 Upon validation of the application, the Council sent out consultation letters to 7 neighbouring owners and occupiers.

4.2 A total of 20 letters of objection and 4 letters of support were received in response.

4.3 The issues raised in objection can be summarised as follows:

- Overdevelopment/ overbearing
- Reduction in sunlight/ daylight
- Privacy/ overlooking
- Sense of enclosure
- Noise and disturbance
- The estate wasn't built for HMO properties/ the property is currently used as an HMO for students
- Family homes are needed in Tower Hamlets/ loss of a large single-family home
- Pressure on parking
- Pressure on infrastructure
- Anti-social behaviour
- Pressure on recycling and refuse collection

4.4 The material planning considerations raised above are addressed in the main body of this report.

#### 5. CONSULTATION RESPONSES

5.1 None

#### 6. RELEVANT PLANNING POLICIES AND DOCUMENTS

6.1 Legislation requires that decisions on planning applications must be taken in accordance with the Development Plan unless there are material considerations that indicate otherwise.

6.2 In this case the Development Plan comprises:

- The London Plan (2021)
- Tower Hamlets Local Plan (2020)
- Isle of Dogs Neighbourhood Plan (2021)

6.3 The key development plan policies relevant to the proposal are:

**Design (layout, townscape, appearance, massing)**

London Plan - D1, D3, D4

Local Plan - S.DH1

**Neighbouring Amenity (privacy, outlook, daylight and sunlight, noise, construction impacts)**

- 6.4 Other policy and guidance documents relevant to the proposal are:
- National Planning Policy Framework (2021)
  - National Planning Practice Guidance (as updated)

## 7. PLANNING ASSESSMENT

- 7.1 The key issues raised by the proposed development are:
- i. Land Use
  - ii. Design and Heritage
  - iii. Neighbour Amenity

### Land Use

- 7.2 The property is currently used as a registered, small House in Multiple Occupation (hereafter HMO), with 5 occupants in 5 bedrooms. The property has been used as such for a number of years. The submitted floorplans indicate that the proposed extension would serve to provide additional space within the first floor back bedroom. It would not facilitate any additional HMO rooms and as such the property would remain a small HMO (use class C4).
- 7.3 As such, the proposal raises no land use issues.

### Design and Appearance

- 7.4 Policy S.DH1 of the Local Plan (2020) seeks to ensure development meets the highest standards of design and layout. Development should positively respond to its context by demonstrating appropriate scale, height, mass, bulk and form in its site and context; and represent good urban design by providing coherent building lines, roof lines and setbacks, complement streetscape rhythm and ensure optimal plot coverages to avoid over-development.
- 7.5 The first floor rear extension proposed within the Appeal Scheme was to be 3m deep, 3.2m wide and was to be set in from the side boundaries of the site by around 1.2m, with a subordinate hipped roof.

*At appeal, the Inspector stated that ‘the rear of the site has very limited public visibility, meaning that the visual impact of the extension would be contained and limited. The first floor rear extension would not be of excessive footprint or scale in comparison with the host dwelling and the bulk of the extension could be reasonably accommodated within the rear garden as a result of its depth and positioning’.*

- 7.6 The proposed first floor rear extension would have the same depth as that of the appeal scheme- 3m. The proposal differs from the ‘appeal scheme’ in the following ways:
- The provision of a flat rather than a hipped roof, which would match the height of the eaves level of the main roof
  - A reduction in width to 2.7m

- 7.7 As reflected in the appeal Decision and given the further reduced bulk, the extension is of appropriate scale, bulk and footprint, not appearing excessive in size in relation to the host property or garden. While the proposed flat roof is not reflective of the style of the main roof, the removal of the hipped roof reduces the visual dominance of the extension and the top of the extension would sit neatly at the main roof eaves line, not interfering with the main roof. In addition, the proposal would not be highly visible from the public realm. The extension would be constructed in materials to match the existing house and the window size and design

matches the other windows in the elevation. The images below indicate the existing and proposed first floor plans.

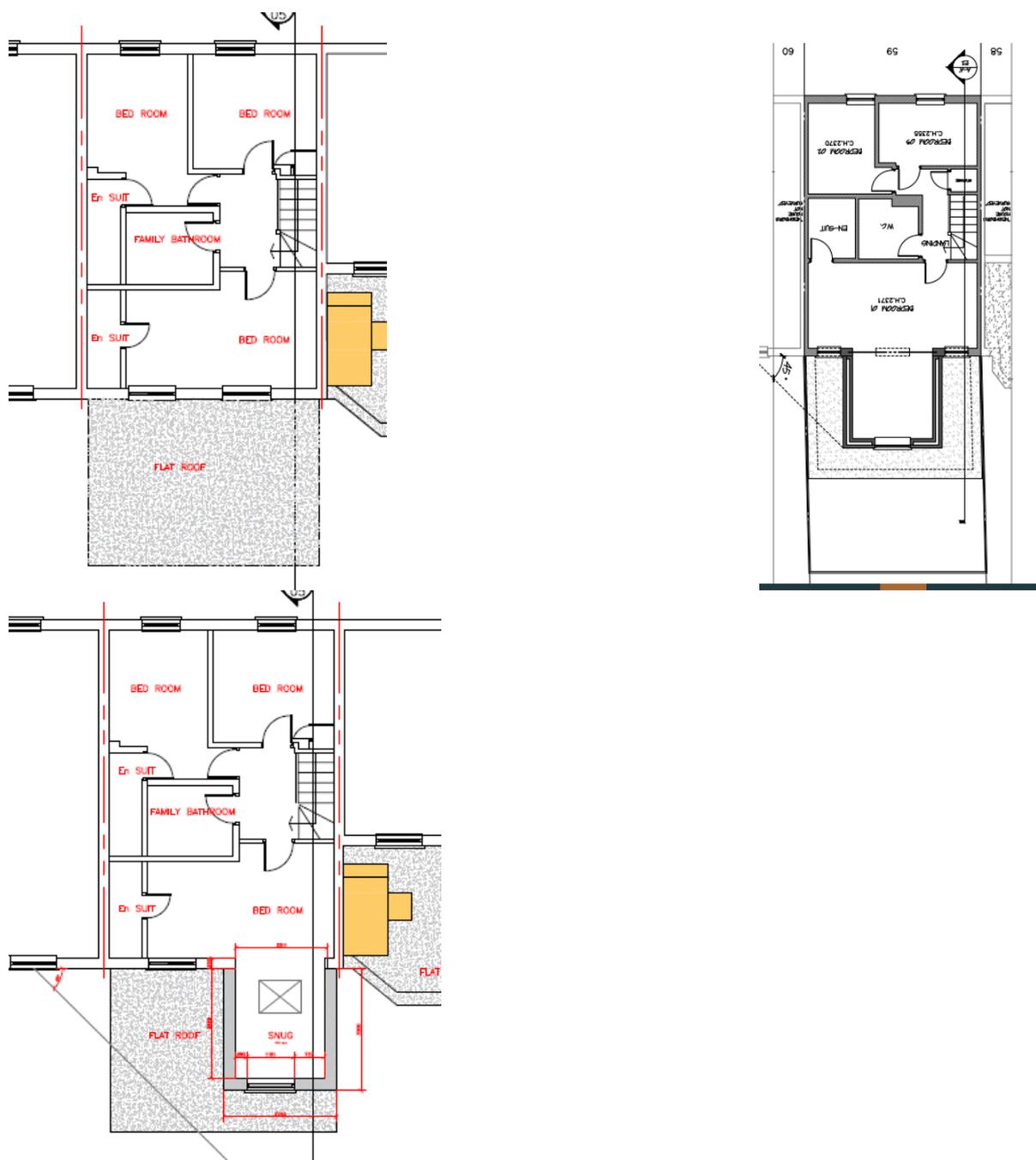


Figure 3 – Existing (left) and Proposed (right) first floor plans

- 7.8 It is also noted that a number of first floor rear extensions of a scale and bulk similar to that proposed, have been recently approved and constructed within the wider Lockesfield Place estate. The associated planning applications are referenced within the 'History' section above.
- 7.9 The proposal is of acceptable scale, bulk and design, in compliance with Local Plan policy S.DH1.

### Neighbouring residential amenity

- 7.10 Policy D.DH8 of the Local Plan requires new development to protect the residential amenities of the neighbouring occupiers. To this end, developments should not unduly impact upon the privacy, outlook, daylight or sunlight experienced by neighbouring properties and should not lead to any undue sense of enclosure to the occupiers. In addition, developments should not

lead to undue noise and disturbance during the operational or construction phases of a development.

7.11 The first floor rear extension within the Appeal Scheme was to be 3m deep and 3.2m wide and was to be set in from the shared boundaries with number 60 to the north and number 58 to the south, by 1.2m. The appeal Decision stated the following with respect to the impact of the development on 'living conditions':

- *The rear of the terrace at and around the appeal site already feels enclosed given the close proximity of the three storey Island Point development and its associated lower structures which sit close to the rear boundaries on Lockesfield Place.*
- *The first-floor part of the extension would rather loom over the rear elevation and garden area of No.60 as a result of its positioning only a short distance from its southern boundary. The impact would combine with the sense of enclosure which already exists as a result of the Island Point development, to lead to a significant increase in sense of enclosure for the occupiers of No.60 above the existing baseline.*
- *The sense of enclosure would be felt from the rear patio doors, from where occupants would also suffer loss of outlook. It would also be felt from within the garden area, and these impacts would significantly detract from the occupants enjoyment of their home. I afford this matter significant weight.*
- *The proposal would have an unacceptable impact on the living conditions of the occupiers of No.60 with regard to outlook and sense of enclosure.*
- *It would conflict with the requirements of Policy D.DH8 (parts 1.a and 1.b) of the THLP which amongst other things requires that development is required to at a minimum protect the extent of the amenity of existing buildings and their occupants. It states that development must avoid an unacceptable increase in the sense of enclosure and ensure existing habitable rooms have an acceptable outlook.*

7.12 The proposed scheme differs from the Appeal Scheme in that the extension would be setback some 2.8m from the northern shared boundary line with number 60; and would sit on the shared boundary line with number 58 to the south.

7.13 In relation to the impact of the proposal on the occupiers of number 60 to the north- the distance between the extension and the shared boundary and the reduction in height of the extension would ensure that there would be no undue sense of enclosure to the occupiers, as experienced from their home or garden. In the same way, outlook from the rear windows would be preserved and the daylight and sunlight impacts would be less than those found to be acceptable within the Appeal Scheme, and acceptable. There would be no windows within the extension that would directly face the rear garden or windows at number 60 and as such there would be no undue loss of privacy to the occupiers.

7.14 In relation to the impact of the development on the occupiers of number 58 to the south- the first floor rear building line of number 58 is, as existing, set back from the rear building line of the subject property by around 2.5m. In relation to light and outlook, number 58 lies due south of the proposed extension and there would, as such, be no undue loss of sunlight to that property or garden. The first floor window that sits closest to the shared boundary at number 58 is already obstructed by an existing air conditioning structure that sits on the flat roof of the ground floor extension; and by the existing shared party wall itself. The adjoining window to the south serves a bathroom and is, as such, non-habitable. Given the modest size of the proposed extension and its relationship with the windows at number 58, there would be no undue loss of light to, or outlook from, any rearward facing window at that property.

7.15 The extension would sit due north of the garden of number 58 and the rear garden of number 58, while modest in depth, is relatively wide. Given these factors and given the modest size of the extension, it is considered that there would be no undue overshadowing to the garden of number 58 and no undue sense of enclosure experienced by the occupiers, from their home or garden.

- 7.16 In relation to the Island Point development to the west, the proposal would have no greater impact on these properties than the Appeal Scheme. Given the distance between the proposed extension and the Island Point development, there would be no undue loss of light to or outlook from the rear windows, nor would there be any undue sense of enclosure to the occupiers.
- 7.17 Demolition and construction activities are likely to cause some short term noise and disturbance to the neighbouring occupiers, including additional traffic generation and dust. A condition outlining maximum hours of work and noise emissions is recommended, to ensure that these impacts are mitigated and minimised.
- 7.18 The concerns raised in relation to use of the property as an HMO- including noise, disturbance, antisocial behaviour and pressure on services and infrastructure- are noted. However, this application proposes no change of use of the property and in addition, no additional bedrooms or occupants are proposed. As such, it cannot be considered that the proposal would give rise to any additional, unacceptable impacts in this regard.
- 7.19 In light of the above, the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers, in compliance with Local Plan policy D.DH8.

### **Human Rights & Equalities**

- 7.20 The proposal does not raise any unique human rights or equalities implications. The balance between individual rights and the wider public interest has been carefully considered and officers consider it to be acceptable.
- 7.21 There will be short term impacts of the construction which are acknowledged, but given their short term implications, these are not considered to raise any human rights or equalities implications. The development does provide a number of benefits such as delivering much needed housing in the borough as well as a monetary contribution towards the delivery of affordable housing in the borough.
- 7.22 The proposed development would not result in adverse impacts upon equality or social cohesion.

## **8. RECOMMENDATION**

- 8.1 That **planning permission is GRANTED** subject to the following conditions:

### Compliance

1. 3 years deadline for commencement of development.
2. Development in accordance with approved plans.
3. Materials to match
4. Construction activities mitigation

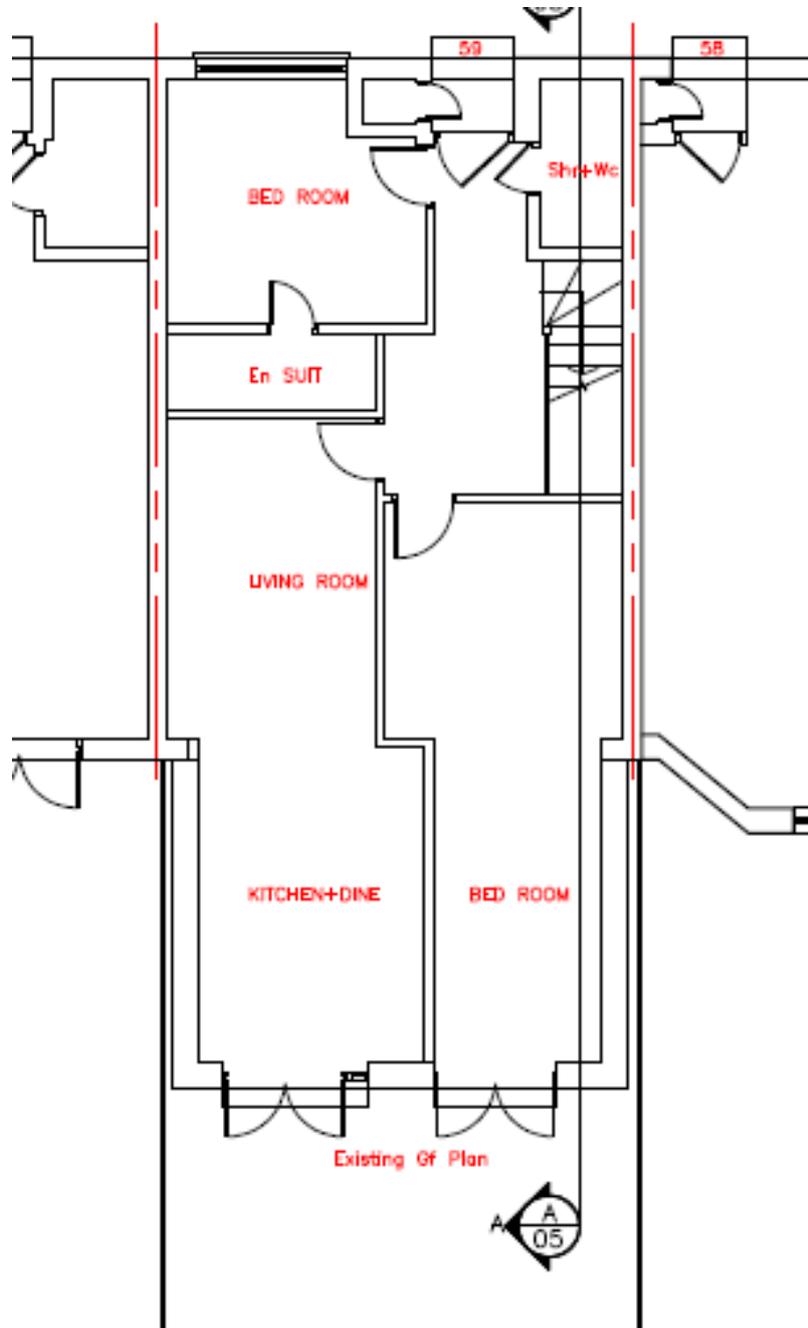
## **APPENDIX 1**

### **LIST OF APPLICATION PLANS AND DRAWINGS FOR APPROVAL**

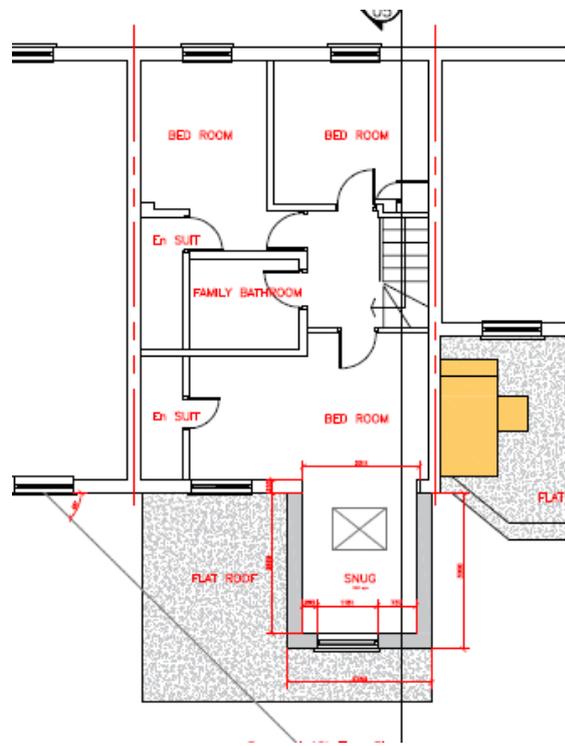
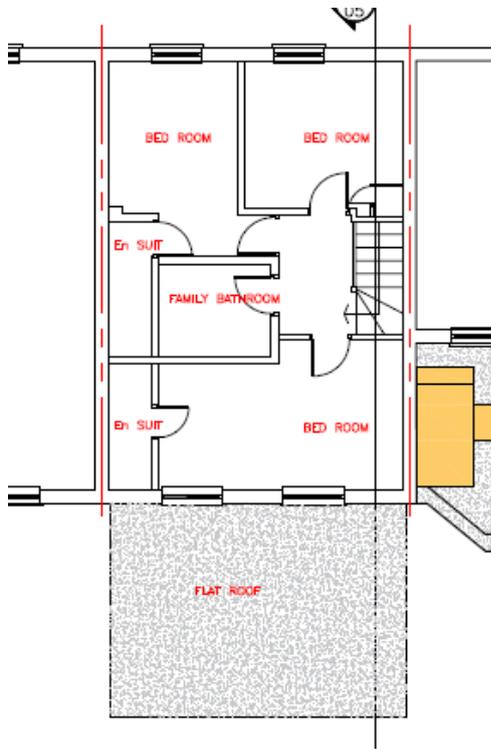
- Planning, Design & Access Statement dated November 2022
- Block and Site Plan dated March 14
- A3.1 dated 14/02/2023
- A3.2
- A3.3
- A3.4
- A3.5
- A3.6
- A3.7
- A3.8 dated 27/06/2023

## APPENDIX 2

### SELECTION OF APPLICATION PLANS AND IMAGES



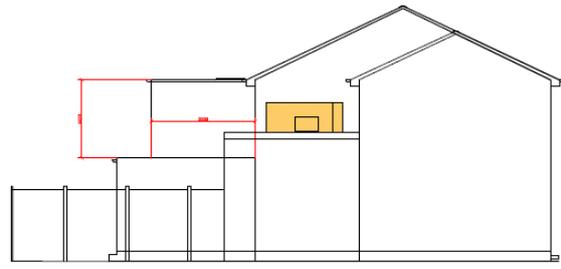
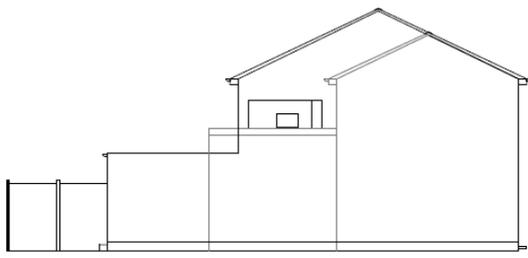
Existing ground floor plan – no change proposed.



**Existing and proposed first floor plans**



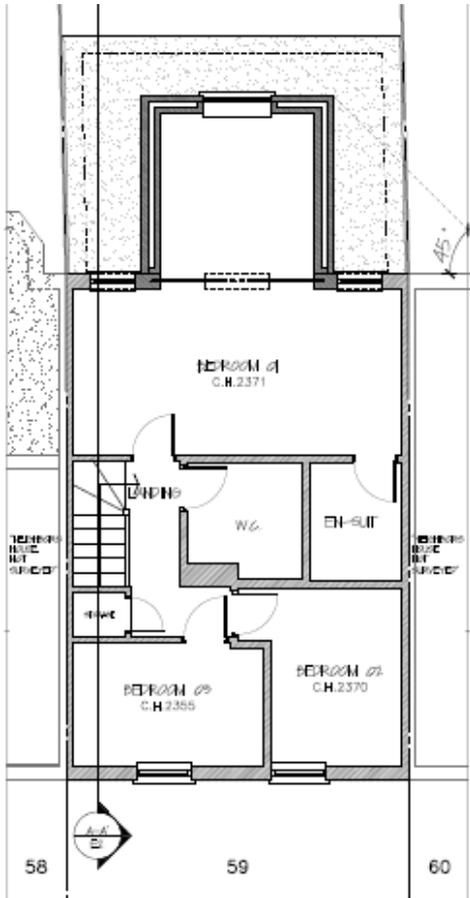
**Existing and proposed rear elevations**



**Existing and proposed side elevations**

# APPENDIX 3

APPEAL SCHEME DRAWINGS : PA/20/01092



Appeal Scheme: proposed first floor plan



Appeal Scheme: proposed rear elevation

## **APPENDIX 4**

**APPEAL DECISION : PA/20/01092**



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### **Appeal Decision**

Site visit made on 27 July 2021

**by T J Burnham BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 31<sup>st</sup> August 2021**

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**Appeal Ref: APP/E5900/D/20/3261628**

**59 Lockesfield Place, London E14 3AJ**

- 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 Rakesh Patel against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/20/01092, dated 29 May 2020, was refused by notice dated 30 July 2020.
  - The development proposed is a double storey rear extension.
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#### **Decision**

1. The appeal is dismissed.

#### **Procedural Matters**

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form however adequately describes the proposal and I have determined the appeal on that basis.
3. The London Plan (2021) was adopted during the course of the appeal. Both parties were afforded the opportunity to comment on its implications for this proposal. I have determined the appeal solely on the basis of the relevant policies at the time of the decision.

#### **Main Issues**

4. The first main issue is the effect of the first floor of the rear extension on the character and appearance of the host dwelling and area. The second is the effect of the first-floor rear extension on the living conditions of the occupiers of 60 Lockesfield Place (No.60) with particular regard to sunlight, outlook and sense of enclosure.

#### **Reasons**

##### *Character and appearance*

5. The appeal property is a two-storey terraced dwelling set within Lockesfield Place, which is a modern residential development set to the north of Westferry Road.
6. The first-floor extension would be set to the rear of the dwelling and while the rear of the terrace is reasonably undisturbed by additions at first floor level, the rear of the appeal site has very limited public visibility meaning that the visual impact of the extension would be contained and limited.

7. It would incorporate a hipped pitched roof, the ridgeline of which would be set well down from the main ridgeline. It would also be set in from the shared boundaries with the adjoining properties to the north and south.
8. The first-floor rear extension itself would not be of excessive footprint or scale in comparison to the host dwelling. The bulk of the extension could be reasonably accommodated within the rear garden as a result of its depth and positioning.
9. Therefore, I conclude on this issue that the first-floor extension would not have a detrimental impact on the character and appearance of the host dwelling and area. The proposal would not therefore conflict with Policy S.DH1 of the Tower Hamlets Local Plan (2020) (THLP) which amongst other things seeks high quality design, requiring that development must be of an appropriate scale, height, mass, bulk and form in its site and context.

*Living conditions*

10. As required by the explanation text to Policy D.DH8 of the THLP a daylight and sunlight assessment is included within the evidence to model the effect of the extension in terms of its impact. In terms of sunlight, the worst affected window would be the double doors on the rear elevation of No.60.
11. The results indicate that the worst affected window at No. 60 would receive less than 0.8 times its former sunlight hours during the summer and winter period. However, the window would not receive less than 25% of annual probable sunlight hours (APSH) or less than 5% of annual probable sunlight hours between 21 September and 21 March (WPSH). This would be the case only by very small margins with an APSH of 27.26% and WPSH of 5.37%. Nonetheless, the guidance<sup>1</sup> therefore indicates that the room that this window serves should still receive enough sunlight.
12. I cannot therefore conclude that the proposal would have a significant adverse effect on the living conditions of the occupiers of No.60 with regard to sunlight. The proposal would therefore comply with part 1.d of Policy D.DH8 of the THLP.
13. The rear of the terrace at and around the appeal site already feels enclosed given the close proximity of the three storey Island Point development and its associated lower structures which sit close to the rear boundaries on Lockesfield Place.
14. The first-floor part of the extension would rather loom over the rear elevation and garden area of No.60 as a result of its positioning only a short distance from its southern boundary. The impact would combine with the pre-existing sense of enclosure which already exists as a result of the Island Point development, to lead to a significant increase in sense of enclosure for the occupiers of No.60 above the existing baseline.
15. This sense of enclosure would be felt from the rear patio doors, from where occupants would also suffer loss of outlook. It would also be felt from within the garden area, and these impacts would significantly detract from the occupant's enjoyment of their home. I afford this matter significant weight.

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<sup>1</sup> SITE LAYOUT PLANNING FOR DAYLIGHT AND SUNLIGHT – A guide to good practice – Paul Littlefair – bre trust.

16. I therefore conclude on this matter that it is within this regard that the proposal would have an unacceptable impact on the living conditions of the occupiers of No.60 with regard to outlook and sense of enclosure.
17. It would conflict with the requirements of Policy D.DH8 (parts 1.a and 1.b) of the THLP which amongst other things requires that development is required to at a minimum protect the extent of the amenity of existing buildings and their occupants. It states development must avoid an unacceptable increase in the sense of enclosure and ensure existing habitable rooms have an acceptable outlook.

**Other Matters**

18. I note that it is stated the first-floor extension would not conflict with the 45-degree rule, although this acts as guidance only and does not on its own indicate that a proposal can be deemed acceptable. I therefore afford this matter limited weight.
19. Other developments on Lockesfield Place that have been approved and have included a first-floor extension have been brought to my attention. However, they all appear to be on other parts of the development and they do not therefore exactly replicate the circumstances including the existing built environment at and around the appeal site. I therefore afford these examples limited weight in terms of providing any justification for the proposal.

**Conclusion**

20. There are no material considerations that indicate the application should be determined other than in accordance with the development plan, with which it would fail to accord. For the reasons given above, I therefore conclude that the appeal should be dismissed.

*TJ Burnham*

INSPECTOR

# APPENDIX 5

## SITE IMAGES

