

Appeal Decision

Site visit made on 19 September 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 22 September 2016

Appeal Ref: APP/E5900/W/16/3153792

399A Roman Road, Tower Hamlets, London E3 5QS

- 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 Meral Gokce against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/15/02791, dated 1 October 2015, was refused by notice dated 18 April 2016.
 - The development proposed is a mansard roof extension, replacement of windows and erection of a barrier on external balcony.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of the proposal from the Council's decision notice and the appeal form instead of the one on the planning application form. The description used more accurately describes the proposed development.
3. I observed on site that the new frosted glass window in the east facing elevation of the existing rear extension has been installed.

Main Issues

4. The main issues are the effect of the proposal on:
 - i. the character and appearance of the Driffield Road Conservation Area; and
 - ii. the living conditions of the occupants of neighbouring properties with particular reference to overlooking and privacy.

Reasons

Character and appearance

5. The appeal site is a two storey mid-terraced property situated on Roman Road within a mixed commercial and residential part of East London. It has a hot food take away at ground floor with a residential flat above. Access to the flat is through a door on the front elevation and there is first floor rear access onto a wooden tiled flat roof area. The roof of the main part of the property is pitched and hidden behind a parapet wall on the front elevation.
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6. It is in of a row of similarly designed two storey properties. Although this and other properties in the row have been extended and altered in various ways in the past, they retain their original two storey butterfly roof forms. As such, their overall form makes a positive contribution to the Driffield Road Conservation Area within which they are situated.
7. The Driffield Road Conservation Area Character Appraisal describes Roman Road as being '*flanked by buildings of generally 2 storeys, with a taller 3 storey scale on corner sites*'. The cohesive character and 19th century architecture of the area are of particular special architectural and historic interest, which warrant the Conservation Area designation.
8. Although there are some examples of similar mansard roof extensions along the Roman Road frontage of the conservation area there are no such examples along the particular row of which the appeal site is part. As such the introduction of a third storey by the development of a mansard roof extension would result in the loss of the original roof form and be at odds with the character of this important row of properties. The extension would undermine the role of the host building and the row in contributing positively to the character and appearance of the area.
9. Although the mansard extension would be set back from the frontage of No 399 and preserves the front parapet the proposal would be an incongruous feature which would fail to preserve or enhance the character and appearance of the conservation area.
10. Given the scale of the proposal within the context of the conservation area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
11. There may be some benefits from the proposal in terms of improving the living conditions of the residents of the property. However, in my opinion the public benefits would be minimal, and insufficient to outweigh the harm identified. I conclude that the development would fail to accord with national policy.
12. For these reasons the development would harm the character and appearance of the Driffield Road Conservation Area and, as such, would conflict with the design and heritage provisions of Policies 7.4, 7.6 and 7.8 of the London Plan 2015, Policy DM27 of the Tower Hamlets Local Plan Managing Development Document 2013 (MDD), Policy SP10 of the Tower Hamlets Local Development Framework Core Strategy 2010 (CS) and the Framework.

Living conditions

13. Although the existing wooden tiled flat roof area to the rear of the property is currently used as a roof terrace it has no safety railings around the edge. The proposed railing would improve safety and be likely to result in increased use of the terrace for ancillary residential purposes.
14. The roof terrace looks outwards over the rear outbuildings and yards of properties along Roman Road and towards the rear amenity areas and windows of residential properties on Ellesmere Road and Zealand Road. Users of the terrace could also look directly back into the rear windows of properties on

Roman Road, including an immediately adjacent bedroom window at No 401 and an immediately adjacent kitchen window at No 397.

15. Although the existing use of the roof area does cause some loss of privacy to the occupants of Nos 397 and 401 the proposal would be likely to encourage increased activity, therefore resulting in increased levels of overlooking and loss of privacy. Given the close relationship between affected windows in adjacent properties and the sensitivity of the rooms they serve the overlooking and loss of privacy would be unacceptable.
16. However, as a consequence of the presence of a number of outbuildings, boundary fences, walls and landscaping I do not consider the level of increased overlooking into neighbouring private amenity areas to be significant. Furthermore, as a consequence of the angled relationship with and separation distances to the rear windows of residential properties on Ellesmere Road and Zealand Road I do not consider the level of overlooking to be sufficient to generate a material loss of privacy to occupants.
17. Although the new window installed in the east elevation is larger than the one it replaced it is obscure glazed. As such, although it is close to rear and side windows in the adjacent property No 401 there is no resultant increased overlooking.
18. On this matter I therefore conclude that the proposal would lead to harm to the living conditions of the occupants of neighbouring properties with particular reference to overlooking and privacy. It therefore conflicts with the amenity requirements of Policy DM25 of MDD, Policy SP10 of the CS and the Framework.

Conclusion

19. For the above reasons and taking account of other matters raised I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR