
Appeal Decisions

Site visit made on 25 October 2016

by S J Papworth DipArch(Glos) RIBA

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

Decision date: 31 October 2016

Appeal A: APP/E5900/W/16/3149555 Flat 1, 1 Wellington Way, London E3 4NE

- 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 Craig Snider against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/15/02971, dated 29 May 2015, was refused by the Council by notice dated 19 April 2016.
 - The development proposed is erection of a single storey infill extension at rear of ground floor flat and internal alterations.
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Appeal B: APP/E5900/Y/16/3148792 Flat 1, 1 Wellington Way, London E3 4NE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Craig Snider against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/15/02972, dated 20 October 2015, was refused by the Council by notice dated 19 April 2016.
 - The works proposed are erection of a single storey infill extension at rear of ground floor flat and internal alterations.
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Decisions

1. I dismiss both of the appeals.

Main Issue

2. This is the effect of the proposal on the architectural and historic significance of the listed building and its setting within the Cemetery Conservation Area.

Reasons

3. The property is listed Grade II and forms part of an attractive group of three similar properties on this part of Wellington Way. Policy 7.8 of the London Plan requires, among other things, that development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form, scale, materials and architectural detail. Policy SP10 in the Adopted Core Strategy (2010) and Policies DM24 and DM27 in the Managing Development Document (Adopted 2013) seek the protection and enhancement of statutory listed buildings; and high quality design that takes account of the surrounding scale, height, mass, bulk and form of development.
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4. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. Paragraph 132 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. The courts have determined that considerable importance and weight should be given to harm found to the significance of listed buildings.
6. There appear to be some anomalies within the set of drawings submitted, and whilst there was not opportunity at the written representation site inspection to explore these, they were drawn to the appellant's attention. The east elevation on drawing CS.05 shows a new parapet wall to the north boundary, standing above the level of the extended eaves and gutter of the east facing roof, whereas the north elevation shows the wall top to be at the same level as the east-facing eaves. Use of the scale bar indicates that the wall is shown too low on the north elevation. Drawing CS.06 shows a white space at the abutment between the new roof and the existing masonry of the rear projection, as if it is a continuation of the gable-end upstand. Reference to drawing CS.05 indicates that this abutment is directly between the roof slope and the vertical wall with no flat area, the flat area most probably being needed at the foot of the roof as a parapet gutter.
7. These are however drafting errors that could be dealt with by conditions were all else acceptable. The assumption on which this Decision proceeds is that a parapet wall is intended at the dimensioned 3.1m and that this would have behind it a parapet gutter, the abutment at the top of the slope being similar to that which exists with the rear-facing roof.
8. The present position is of the part of the building that contains Flat 1 having a rear-facing pitched roof over the ground floor area of the kitchen and bathroom that projects beyond the first floor gable wall and this roof terminates in line with the north wall of the kitchen. The proposal is to gain additional space in the kitchen by extending into the gap between the existing north wall and the north boundary wall with the health centre, and covering the new area with a roof running at right-angles to the existing rear-facing roof and where they meet there would be a hip.
9. The appellant refers to earlier advice from the Council that the principle of extension was acceptable, and to the details of a flat-roofed version that was refused consent and permission. The pitched-roofed version now presented seeks to overcome the previous criticism. It is apparent also that other parts of the building and parts of the other two similar buildings have been subject to addition and change over time, including some flat roof additions.
10. The side wall that would be removed to provide the opening into the extension does appear to have had openings previously and whilst this would result in the loss of historic fabric, the benefits of the enlarged kitchen would be sufficient to justify the limited loss. However, the roof form, as argued by the Council, would appear out of character with the main house roof, which is characterised

by gable ends and upstand walls, as opposed to hips. The Council refer to harm caused by the 'roofline of the proposed wrap around extension' and it is this roofline, rather than the extension itself, that causes visual harm.

11. Whilst the preservation of the significance of listed buildings does not rely on a public view, the part of the appeal premises to be extended is readily seen in views from Wellington Way and from the car park and approaches to the health centre. This latter is clearly capable of being closed off when not open to the public, but does provide a location where a view may be had of the proposed works. Here it is the roofline in particular that would be readily visible, and the hip turn between the existing east-facing and the proposed north-facing slopes would appear as a jarring element in the otherwise attractive and largely historic rear corner at higher level.
12. The design of the roofline fails to meet the standard sought in Policy DM24 and does not preserve the significance of the listed building, which resides to a substantial extent in the roof detailing, and fails to preserve the character and appearance of the conservation area, contrary to Policies 7.8, SP10 and DM27. The statutory requirements of the 1990 Act would not be met and harm would be caused to designated heritage assets contrary to the guidance in the Framework. This level of harm is 'less than substantial', a differentiation required between paragraphs 133 and 134 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
13. There are benefits in allowing a larger and more useful kitchen, and this would assist in the long-term use of the building as a dwelling and hence its upkeep. But, the public benefits do not amount enough to outweigh the harm.
14. The appellant states willingness to accord with advice on what would be an acceptable solution to the need to cover the proposed, and acceptable, addition. However, it is not for an Appeal Decision to state what would be acceptable, but to respond to the application particulars and the case put forward by each party. In this case the basis of the Decision regarding ambiguous drawings has been set out, and the representation of the parties considered. For the reasons given above it is concluded that both appeals should fail.

S J Papworth

INSPECTOR