
Appeal Decisions

Site visit made on 28 November 2016

by Peter Rose BA MRTPI DMS MCMI

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

Decision date: 15th December 2016

Appeal A Ref: APP/E5900/Y/16/3155308

Adams House, 129 Mile End Road, London E1 4BG

- 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 Adams Law against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/16/00638, dated 10 March 2016, was refused by notice dated 5 May 2016.
 - The works proposed are removal of part of roof structure and construction of extension to second floor/roof of building with associated external and internal works.
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Appeal B Ref: APP/E5900/W/16/3155305

Adams House, 129 Mile End Road, London E1 4BG

- 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 Adams Law against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/16/00637, dated 10 March 2016, was refused by notice dated 5 May 2016.
 - The development proposed is removal of part of roof structure and construction of extension to second floor/roof of building with associated external and internal works.
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Decisions

1. **Appeal A** is allowed and listed building consent is granted for removal of part of roof structure and construction of extension to second floor/roof of building with associated external and internal works at Adams House, 129 Mile End Road, London E1 4BG in accordance with the terms of the application Ref: PA/16/00638, dated 10 March 2016, and subject to the conditions set out in the attached schedule.
2. **Appeal B** is allowed and planning permission is granted for removal of part of roof structure and construction of extension to second floor/roof of building with associated external and internal works at Adams House, 129 Mile End Road, London E1 4BG in accordance with the terms of the application Ref: PA/16/00637, dated 10 March 2016, and subject to the conditions set out in the attached schedule.

Procedural Matters

3. The Council's decision notices refer to Policies 7.4 and 7.6 of the London Plan, 2015. That version of the London Plan has since been updated by Minor Alterations published in March 2016. I consider the appeal on the basis of the
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policies as subsumed and set out in the current London Plan March 2016 (the London Plan).

4. The appellant has requested that a number of updates be considered to the originally submitted drawings as set out in its letter of 27 July 2016. These relate to various minor inaccuracies in the existing and proposed elevations. The local planning authority raises no objection and I find no interests would be prejudiced by considering the appeal on that basis.

Main Issues

5. The appeal site forms part of a Grade II listed building described in the statutory List Entry Summary (the List Entry) as 'Number 129 (formerly part of the Anchory Brewery), 129, Mile End Road E1', and lies within the Stepney Green Conservation Area. The main issues common to both appeals are therefore:
 - a) the effect of the proposed works upon the special architectural and historic interest of the listed building and, in particular, whether the scheme would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses, and;
 - b) the effect of the proposal upon the character and appearance of the Stepney Green Conservation Area and, in particular, whether the scheme would preserve or enhance the character or appearance of the Conservation Area.

Reasons

Listed building

6. The appeal site, Adams House, comprises a large, predominantly two-storey building with basement enclosed by Mile End Road to the south, Cephas Avenue to the east, by Charrington House to the north, and by a car park serving retail development to the west. The List Entry indicates the building dates from the mid-nineteenth century and was part of the Anchor Brewery. Charrington House is a three-storey residential conversion of a former office building immediately to the north and forms part of the listing. Charrington House is a later building, also has historical associations with the former brewery, and has been extended.
7. I observed at my visit that the lower levels of Adams House are occupied as offices, and that the first floor is vacant. Some office use is accommodated within the second floor roofspace.
8. The significance of the appeal site as part of a building of special architectural and historic interest relates to its contribution as a large and resplendent remnant of a former brewery complex. The building is a distinct and impressive entity displaying a wealth of architectural and historic features, both internally and externally.
9. The building's architectural and historic significance is recognised in the Council's Stepney Green Conservation Area Character Appraisal and Management Guidelines 2009 (the Character Appraisal). This refers to the site as an unusual corner building which makes a positive contribution to the area

- in terms of both architectural quality and historic importance as a surviving part of a large brewery which dominated the site for a long period of time.
10. Adams House outwardly displays ornate brick elevations with stone detailing, and sash windows set within arched brick recesses. The roof is of particular significance and is one of many defining features of the heritage asset. Stone chimneys mark the corners of the building and further chimneys are set back within the roofspace. The chimneys are set against the neutral backdrop of a central hipped roof and these features combine with the decorative balustrade to form a prominent and distinctive impression within the local townscape and as part of the wider skyline. I note that the chimneys, balustrade and hipped roof are all referred to in the List Entry.
 11. Between the hipped roof and the balustrade is a lower, mono-pitch lean-to roof (the lean-to). It is currently clad in artificial slate tiles and wraps partly around the central roof structure and chimneys. This is an intervening structure set back from the main elevations and is largely concealed from surrounding external views by the balustrade. The Council's decision notices suggest the lean-to to be original, but I have little corroborating evidence. The appellant acknowledges that its timber structure is of considerable age but contends that its pitch, its relationship to the parapet, and internal drainage, all indicate that it is not contemporary with the original building, and I have little reason to conclude otherwise.
 12. Internally, the second floor has been subject to substantial alteration, including various partitioning and insertion of windows and doors. The appellant refers to its poor condition and to non-compliance with building regulations. I am unaware from the evidence of any special architectural or historic interest attaching to this space and, as with the lean-to, it is not referred to as such in the List Entry.
 13. Whilst the lean-to forms part of the roof I do not consider that it contributes materially to the significance of the roof as part of the listed building. I find the significance of the roof is substantially defined by the presence of, and the relationship between, the central hipped section, the chimneys and the enclosing balustrade.
 14. Of relevance to the significance of listed buildings, English Heritage's Conservation Principles Policies and Guidance for the Sustainable Management of the Historic Environment, 2008, identifies four types of heritage value that an asset may hold: evidential, historical, aesthetic and communal. In this context, I find that the significance of the appeal site as part of a listed building relates both to its historic association with the local industrial past, and to the aesthetic quality of the building. I do not find that the lean-to structure contributes significantly in either regard, whether as a feature in itself or as part of the existing roof plan.
 15. The proposal would involve both internal and external works.
 16. Externally, the lean-to would be removed and a frameless glass extension added wrapping around the central roof structure on its south and west sides. Lead flashings would be chased into existing masonry to form junctions with the existing building, and two existing chimneys in the centre of the roof would be integrated into the glass structure. The stone balustrade along the western elevation would be extended to match the existing, the chimneys and

balustrade would be repaired to match the existing finishes, four rooflights would be inserted into the existing hipped roof, and a first floor window to the main western elevation of the building overlooking the adjacent car park and retail uses would be reinstated. The works would also include oak decking, and new door openings on the south and west sides of the existing central roof structure.

17. Internally, works would include removal of the office space beneath the lean-to, refurbishment of the existing office accommodation, and reconfiguration of an internal staircase between first and second floors.
18. The local planning authority does not object to the re-opening of the bricked-up window or to the insertion of rooflights, or to the various associated internal works.
19. The Council is concerned, however, about the effect of the extension upon the existing hipped roof which it considers to provide a neutral, inconspicuous backdrop to the key roof features, and about implications for the existing roof plan. The Council doubts that original features can be read through the glass due to its reflective qualities and which it asserts would also be disturbing at night.
20. The authority also considers the extension would be highly visible and would introduce a radical alteration to the heritage asset not in-keeping with the historic form and character of the listed building and Conservation Area. The location, form, scale, and materials would all contribute to an incongruous addition amounting to substantial harm to the significance of the listed building.
21. The Council recognises the scheme would improve the flexibility and use of the appeal site, but maintains such benefits would not be public in nature.
22. Although higher than the existing lean-to, I find that the balustrade and chimneys of the listed building would conceal the new structure from most external views. Even so, I am satisfied that, in principle, the proposed use of frameless glass would create a light, transparent structure which would continue to reveal the building's current form and significant features, and which would respect the scale and proportions of the building.
23. The glazed extension would be constructed broadly within the same footprint as the lean-to. The extension would avoid the chimneys at the edge of the building, the prominence of the chimneys and balustrade would be unchallenged, and the profile of the main central roof and its wider contribution as a neutral backdrop would be largely unaffected. The position and height of the extension would also not have the effect of visually infilling gaps in the decorative stonework. Whilst the glazing would partly enclose some lower levels of two chimneys, a similar low level partial enclosure is created by the existing roof. I also observed at my visit that the external roofspace appeared to be in a relatively poor overall condition, and had previously been subject to various minor, but historically unsympathetic, works.
24. Rather than obstruct and detract from key architectural features, I accept that the glazed design would serve to both complement and reveal. Although the Council raises concerns about large pane contemporary glazing, the material

- and style have been selected not to mimic the listed building but to appear unobtrusive and complementary.
25. Other examples of heritage schemes elsewhere deploying a similar modern design approach are cited by the appellant. I see no reason why the principle of such an approach, whilst highlighting the distinction between new and old fabric, cannot offer an appropriate means to improve historic accommodation but without diminishing heritage significance. Indeed, I also note that Policy 7.6 of the London Plan, quoted in the Council's decisions, requires buildings and structures to be of the highest architectural quality, but complementing, and not necessarily replicating, local architectural character.
 26. I acknowledge there would be some limited loss of historic materials involving new openings in external walls of the roof structure. Whilst conservation-style rooflights would be inserted into the hipped roof, externally, the roof has a modern metal seam finish and does not appear to retain its original form. Given the limited extent of interventions in the fabric of the listed building, I do not find that such loss would be significant relative to the listed building as a whole.
 27. As the extent of the addition is not dissimilar to the existing lean-to and the key heritage features of the roof would remain intact, I do not find the scheme would adversely affect the historic roof plan.
 28. I have little evidence that the internal alterations would significantly alter the building's wider historic plan form or character, and the existing overall layout of the building would remain largely unchanged. The alterations would include no change to the general space and alignment of the staircase but would introduce a new balustrade, oak timber stairs, and more sympathetic materials and fixtures to the second floor.
 29. In summary, I find the extension would enhance the external appearance of the roof without detracting from its historic character, and would not harm the wider appearance of the listed building. The quality of external materials, particularly of the glazing, and of proposed works at all junctions with the building's existing fabric, would, however, be critical to the success of the scheme, and are matters which could be safeguarded by planning conditions. The scale and design of the extension would be both subservient and sensitive to the listed building, and would involve only limited intervention into the building's fabric.
 30. Other sympathetic alterations proposed would include extending the balustrade and reinstating a window in the prominent western elevation, both of which would have a positive, unifying effect upon the significance of this part of the building. The scheme would include sensitive internal improvements which would not harm any original features or any aspect of architectural merit. It would also facilitate a more beneficial use of the building.
 31. The existing sympathetic balance between the different, contrasting elements of the listed building would not be lost, and the resultant relationship would not harm the heritage significance of the building by reducing its visual integrity or by detracting from its historic form or character.
 32. The National Planning Policy Framework (the Framework) makes a distinction between development causing substantial harm to the significance of a

designated heritage asset, such as a listed building or Conservation Area, and development that would lead to less than substantial harm. The Framework requires less than substantial harm to be weighed against the possible public benefits of the scheme. Whilst the scheme would involve some very minor loss of historic fabric, this would be far outweighed by the overall preservation of the listed building as proposed.

33. Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) places a duty upon the decision-maker, in considering applications for listed building consent, to have special regard to the desirability of preserving the listed building. I find that the special interest of the listed building would not be harmed by the proposed scheme such that it would fail to preserve the significance of this designated asset. Additionally, section 66 of the Act also places a duty upon the decision-maker, in considering applications for planning permission, to have special regard to the desirability of preserving the listed building.
34. I therefore conclude that the scheme would not be harmful to the special architectural and historic interest of Number 129 (formerly part of the Anchory Brewery), 129, Mile End Road E1. Accordingly, to the extent that the development plan is a material consideration in **Appeal A**, the scheme would not be contrary to Policy SP10 of the Core Strategy 2025 Development Plan Document Adopted September 2010 (the Core Strategy), or contrary to Policies DM24 and DM27 of the Managing Development Document Development Plan Document Adopted April 2013 (the DPD), or contrary to Policies 7.4 and 7.6 of the London Plan.
35. Policy SP10 seeks to protect and enhance statutory listed buildings and Conservation Areas. Policy DM24 states that development will be required to be designed to the highest quality standards, including design that is sensitive to and enhances the local character and setting of the development. Policy DM27 requires development to protect and enhance the borough's heritage assets, their setting and their significance. Applications for extension and alteration will only be approved where, amongst other criteria, proposals do not result in an adverse impact on the character, fabric or identity of the heritage asset or its setting, are appropriate in terms of design, scale, form, detailing and materials in their local context, and enhance or better reveal the significance of the asset or its setting. Policy 7.4 requires development to provide high quality design which is informed by the surrounding historic environment. Policy 7.6 is referred to above.
36. In relation to **Appeal B**, section 38(6) of the Planning and Compulsory Purchase Act, 2004 establishes a duty to determine applications for planning permission in accordance with the development plan unless material considerations indicate otherwise, and the same policies and similar conclusions apply in that regard.
37. I also consider these development plan policies to be broadly consistent with the Framework which recognises that heritage assets are an irreplaceable resource and requires them to be conserved in a manner appropriate to their significance. The Framework further 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.

Conservation Area

38. The particular qualities and significance of the Stepney Green Conservation Area are set out in the Council's Character Appraisal to which I have regard, and which identifies the asset as forming part of an area of exceptional architectural and historic interest. The Conservation Area contains the main through routes of Mile End Road and Stepney Green and combines a rich heritage, significant architecture, and historic open spaces. The characteristic features of the listed building as already described, in turn, similarly make important contributions to the highly attractive and historically significant character and appearance of the wider Conservation Area.
39. For the reasons indicated, the proposed works, whilst not harmful to the listed building, would have little exposure from the public domain and, accordingly, I find little implication for either the character or appearance of the wider Conservation Area.
40. Section 72 of the Act places a duty upon the decision-maker in considering applications for, amongst other things, listed building consent and planning permission, to pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. The scheme would not harm the listed building and, similarly, in turn, would not harm the character or appearance of the wider Conservation Area.
41. As with the impact upon the listed building, my assessment of the effect of the scheme upon the Conservation Area as a designated heritage asset is that it would similarly accord with the same policy expectations and tests of the Framework. I find these considerations also contribute towards the Framework's expectations of sustainable development.
42. I therefore conclude that the proposed scheme would not be harmful to the character or appearance of the Stepney Green Conservation Area. Accordingly, the proposal would not be contrary to Policy SP10 of the Core Strategy, contrary to Policies DM24 and DM27 of the DPD, or contrary to Policies 7.4 and 7.6 of the London Plan.

Other Matters

43. I note the proposal would facilitate reinstatement of office use to Adams House, and that this matter has been the subject of a separate application and approval.
44. I have considered all other matters raised, including the existence of some private views of the external roofspace from upper levels of surrounding buildings, but I find nothing of sufficient weight, either individually or cumulatively, to outweigh the conclusions I have reached.

Conditions

45. I note the conditions suggested by the Council, and also have regard to the general advice set out in both the Framework and in the government's Planning Practice Guidance in terms of both the justification for individual conditions and of appropriate wording.
46. I have attached a condition to each decision setting out relevant details of the approved drawings as this provides certainty.

47. In the interests of preserving the significance of the listed building, conditions are attached to both decisions requiring full details of all external materials to be approved by the local planning authority, and of the form and method of all works specifically attaching the proposed structure to the building's existing fabric.

Conclusion

48. For the reasons described, I find the scheme would accord with the duties to have special regard to the desirability of preserving the listed building under sections 16 and 66 of the Act, and in relation to the duty to pay special attention to the Conservation Area under section 72. These are considerations to which I attach considerable importance and weight.
49. Further, and with particular regard to **Appeal B** as it relates to section 38(6) of the Planning and Compulsory Purchase Act, 2004, I find the proposed scheme would comply with the development plan as a whole, and with the expectations of sustainable development which lie at the heart of the Framework.
50. For the above reasons, **Appeal A** and **Appeal B** are each allowed.

Peter Rose
INSPECTOR

SCHEDULE OF CONDITIONS

APPEAL A

1. The works hereby authorised shall begin not later than 3 years from the date of this consent.
2. The works forming the subject of this consent shall not be carried out except in full accordance with the details as shown on the following drawings and documents: 173 001B; 002A; 003B; 010A; 011A; 012A; 013A; 014A; 015A; 016A; 017A; 018A; 019B; 020B; 021A; 022A; 023A; 024A; 025A; 026A; 027A; 028C; 029C; 030A; 031A; 032A; 033A; 034A; 035A; 036A; 037A; 038A; 039A; 040A; 041A; 042A; 043A; 044A; 045B; 046B; 047A; 048B; 049C; 050A; 051B; 052A; 053A; 054A; 055A; 056A; 057A; 058A; 059A; 060A; 061A; 062A; 063A; 064A; 065A; 066A; 067A; 068A; 069A; 070A; 071A; 072A; 073A; 074A; and 075A.
3. No works shall take place until full details of all external materials to be used in the construction of the extension hereby authorised, and in all other external works, have been submitted to and been approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details.
4. No works shall take place until full details of the implications for all existing fabric of the building specifically arising in connection with the detailed attachment of the extension hereby authorised, and including full details of the proposed form and method of those works of attachment, have been submitted to and been approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details.

APPEAL B

1. The development hereby approved shall begin not later than 3 years from the date of this permission.
2. The development forming the subject of this permission shall not be carried out except in full accordance with the details as shown on the following drawings and documents: 173 001B; 002A; 003B; 010A; 011A; 012A; 013A; 014A; 015A; 016A; 017A; 018A; 019B; 020B; 021A; 022A; 023A; 024A; 025A; 026A; 027A; 028C; 029C; 030A; 031A; 032A; 033A; 034A; 035A; 036A; 037A; 038A; 039A; 040A; 041A; 042A; 043A; 044A; 045B; 046B; 047A; 048B; 049C; 050A; 051B; 052A; 053A; 054A; 055A; 056A; 057A; 058A; 059A; 060A; 061A; 062A; 063A; 064A; 065A; 066A; 067A; 068A; 069A; 070A; 071A; 072A; 073A; 074A; and 075A.
3. No development shall take place until full details of all external materials to be used in the construction of the extension hereby authorised, and in all other external works, have been submitted to and been approved in writing by the Local Planning Authority, and the development shall be implemented in accordance with the approved details.

4. No development shall take place until full details of the implications for all existing fabric of the building specifically arising in connection with the detailed attachment of the extension hereby approved, and including full details of the proposed form and method of those works of attachment, have been submitted to and been approved in writing by the Local Planning Authority, and the works shall be implemented in accordance with the approved details.