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## Appeal Decisions

Site visit made on 13 December 2016

**by Terry G Phillimore MA MCD MRTPI**

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

**Decision date: 6 January 2017**

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**Appeal Ref: APP/E5900/W/16/3158888 (Appeal A)**  
**15 Artillery Passage, London E1 7LJ**

- 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 M Hasnaini against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/16/01392, dated 25 May 2016, was refused by notice dated 26 July 2016.
  - The development proposed is a first floor rear extension.
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**Appeal Ref: APP/E5900/Y/16/3158965 (Appeal B)**  
**15 Artillery Passage, London E1 7LJ**

- 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 M Hasnaini against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/16/01393, dated 25 May 2016, was refused by notice dated 26 July 2016.
  - The works proposed are a first floor rear extension.
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### Decisions

1. The appeals are dismissed.

### Main Issues

2. The main issues are the effects the proposal would have on:
  - a) the character and special interest of the listed building and the character and appearance of the Artillery Passage Conservation Area;
  - b) the amenity of neighbouring occupiers in terms of light and outlook.

### Reasons

#### ***Listed building and Conservation Area***

3. The appeal property is a Grade II listed building. It is of four storeys with brick elevations, the front façade being 19<sup>th</sup> century. There is a ground floor shop front onto Artillery Passage and a separate side entrance onto Parliament Court.

4. The small Conservation Area encompasses a surviving fragment of 17<sup>th</sup> century street pattern, characterised by a network of historic narrow passages, lanes and courtyards. Artillery Passage and Parliament Court are typical in this respect, with the latter a particularly narrow historic path around 1.8m wide. Other listed buildings in this cluster are the Sandy's Row Synagogue and neighbouring properties on Artillery Passage. The buildings and Area are important designated heritage assets, with the historic fabric and layout contributing much to their significance.
5. The proposed extension would be attached to the main rear wall of the building above an existing ground floor rear projection. It would be set in by around a metre both from the side boundary wall and from the rear boundary with the Synagogue. It would involve the removal of windows at the rear of the building, and with the narrow set-in at the side give rise to an awkward juxtaposition of the new build element to the original fabric as well as the loss of fenestration. This would erode features that contribute to heritage significance. Although the extension would not abut the Synagogue wall, it would be very close to one of three large dome-headed windows. The degree of obscuring of the window would also detract from a building feature that is part of significance.
6. Parliament Court has an existing strong sense of enclosure. Even with the set in from the boundary the proposal would add to this, but by way of a modern building addition rather than the historical elements which are the important characteristic. This is notwithstanding the stated proposed use of windows and materials to match the existing building. Together with the other adverse changes referred to above, the overall effect would be to harm the character and appearance of the Conservation Area.
7. The degree of harm to the significance of the heritage assets would be less than substantial. In such cases, national guidance is that the harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. The proposal would provide a consultation room for the dental practice that occupies the appeal property, and the appellant makes some reference to the scope for additional internal space and planning for better and practical use without unnecessary structural alterations. However, no real detail has been provided on the need for this or the specific benefits it would provide, and the heritage harm is not outweighed.
8. The proposal does not comply with the requirements of policy SP10 of the Tower Hamlets Core Strategy 2010 or policies DM24 and DM27 of the Tower Hamlets Managing Development Document 2013 in terms of sensitivity to context and respect for heritage assets.

### **Amenity**

9. The appellant's Daylight and Sunlight Study identifies a large number of windows in proximity to the proposed extension. Many of these receive relatively low levels of daylight as measured by vertical sky component. The Study suggests that all neighbouring habitable room windows pass the BRE diffuse daylight and direct sunlight tests with the proposal, and that it would have a low impact on the light receivable by its neighbouring properties. However, as the Council points out, there is no calculation of internal daylight distribution, including with respect to the residential flat at 3 Parliament Court. In addition, policy DM25 of the Managing Development Document seeks to

protect the amenity of existing and future occupants and is not restricted to residential accommodation. Many of the identified windows to commercial accommodation have low light levels which it appears would be materially reduced. A further negative factor is the likely effect there would be on outlook, given the degree of increased sense of enclosure that would result from the close relationships observable between a number of neighbouring windows and the location of the extension. The proposal therefore does not accord with policy DM25.

### ***Other Matters and Conclusion***

10. The proposal is an amended version of a scheme dismissed on appeal on 13 April 2016 (refs APP/E5900/W/15/3137774 & APP/E5900/Y/15/3139402). The objections raised by the Inspector on similar grounds to the above have not been overcome by the moderately reduced size and altered configuration of the extension.
11. My adverse findings on the first issue are sufficient to warrant dismissal of both appeals. The effect of the proposal on amenity is a further ground for concern in relation to Appeal A.
12. For the reasons given above I conclude that the appeals should not succeed.

*T G Phillimore*

INSPECTOR