
Appeal Decision

Site visit made on 24 January 2017

by S J Buckingham BA (Hons) DipTP MSc MRTPI FSA

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

Decision date: 23 February 2017

Appeal Ref: APP/E5900/W/16/3160619

Flat 22 Pakenham House, Wellington Row, London E2 7BA

- 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 Mrs H Bibi against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00829, dated 2 April 2016, was refused by notice dated 6 July 2016.
 - The development proposed is a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mrs H Bibi against the Council of the London Borough of Tower Hamlets. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect on the appearance of the building and of the Jesus Hospital Estate Conservation Area, and the effect on the living conditions of occupiers of adjacent properties with respect to outdoor amenity space and security.

Reasons

Effect on the appearance of the building and of the Jesus Hospital Estate Conservation Area

4. Pakenham House is a purpose built, five storey flatted block, running along the south side of Wellington Row facing the boundary of the Jesus Hospital Estate Conservation Area, and turning the corner to run south along Gosset Street. It is simply designed with a regular rhythm of aligned windows and balconies, and constructed in yellow brick. It appears to have undergone no extensions or significant external alterations.
 5. The north side of Wellington Row, which is within the conservation area, is characterised by long terraces of modest nineteenth century workers housing typical of the conservation area and bookended by shops or small workshops. The westernmost end of the street is occupied by The Birdcage public house, a
-

- traditional pub set on a prominent corner location and facing Pakenham House across Wellington Row.
6. The appeal site is situated at the north-west corner of Pakenham House, facing Gosset Street and Wellington Row. The alignment of The Birdcage means that that Pakenham House is seen in views south from the junction of Columbia Road and Gosset Street. This view from the periphery of the conservation area looking both inwards and across its boundary is from a point where the traditional terraces of Columbia Road and The Birdcage can be taken in, with Pakenham House forming a self-effacing backdrop to the scene. The appeal extension would be clearly visible within this view.
 7. The appeal proposal is for a single storey extension which would take up around half of the Gosset Street frontage of flat 22, and would extend around 3m into the garden area adjoining the flat. It would be a simple box, with double UPVC doors facing out towards the garden.
 8. Although set back from the street frontage, the proposed extension would be visible over the current garden fencing, and through the railings defining the communal open space around the block. While modest in size compared to the block as a whole, and plain in design, it would nonetheless break up the regular rhythm of the block, and protrude conspicuously from its western frontage. It would have an awkward relationship with the line of balconies above, coming right up to the underside of the balcony of the flat above, and would crowd the adjoining bedroom window in flat 22.
 9. The proposed extension would therefore form an awkward and noticeably jarring element on Pakenham House itself, and in views from within the conservation area which include Pakenham House. This would harm the appearance of the host building and that of the conservation area. While this harm would be minor, constituting less than substantial harm for the purposes of Paragraphs 132 and 134 of the National Planning Policy Framework (the Framework), Paragraph 132 of the Framework makes it clear that great weight should be given to the conservation of designated heritage assets.
 10. Paragraph 134 of the Framework advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. In this case the benefits of the proposal would be entirely private through providing extended living space for the occupiers of flat 22. I conclude therefore that the appeal proposal presents no benefits which clearly and convincingly justify the harm I have identified above.
 11. While the Framework sets out the presumption in favour of sustainable development, it is also clear that permission should not be granted where specific policies in the Framework indicate that development should be restricted, including policies relating to designated heritage assets.
 12. As the appeal proposal would cause harm to the appearance of the conservation area, it would therefore conflict with Policy DM24 of the Local Plan Managing Development Document 2013 (the MDD) and Policy 7.4 of the London Plan which seek development which responds to local character. It would also fail to comply with Policy SP02 of the Core Strategy 2010 (the CS) which seeks housing which is appropriate, well-designed and sustainable.

13. I have taken account of the permission granted for a single storey extension to flat 24 at Brabner House, which lies to the east of Pakenham House on Wellington Row, but observed on site that this flat is on the south side of the block, facing away from Wellington Row and is not visible in views of the Conservation Area. It does not therefore cause me to alter my decision.

Effect on the living conditions of occupiers of adjacent properties with respect to outdoor amenity space and security.

14. The communal grassed area around Pakenham House is secured by high railings which restricted close inspection of the area inside them. Within the wider area, private outdoor amenity spaces have been allocated to ground floor flats, marked out by medium height, open boarded fencing. The garden space allocated to flat 22 appears to run the length of the flat itself and to have the same depth as that of the adjoining flat. I noted a fallen or toppled fence between the garden of flat 22 and that of the adjoining flat which may have been intended to form a boundary between the two.
15. I have no definitive measurement of the depth of the garden area to flat 22 as it currently exists, and the measurement of 4.7 metres given in the submitted drawings appeared to me to be greater than the area delineated on the ground by the existing fence. I conclude therefore that there is some lack of clarity in the submitted plan, and that the garden space shown on this plan might extend into the communal garden area. However, it also appears from what I was able to see on site that the garden area allocated to this flat on the ground would be capable of accommodating an extension of the depth proposed without an increase of that garden area. Furthermore, as the proposed extension is shown to take up around half the width of the host flat, it would not as a result occupy the whole of the garden space allocated to flat 22, nor intrude into that of the adjoining flat. I conclude therefore that the proposed extension would not be likely to deprive occupiers of adjacent properties of outdoor amenity space.
16. The appeal extension would sit directly under the balcony which provides a small area of outdoor amenity space for the flat above. However, although it could potentially provide a means of gaining access to the flat above, access to the extension itself would have to be negotiated past the outer railings around Pakenham House and inner fence to the garden of flat 22, which would render this relatively unlikely. I conclude that it would not therefore cause any significant risk to the security of the occupiers of the flat above flat 22.
17. For these reasons I consider that the appeal proposal would not harm the living conditions of the occupiers of adjacent properties, and would not therefore conflict with Policy DM25 of the MDD, policy SP10 of the CS, and Policy 7.6 of the London Plan which seek development which protects the amenity of their surrounds.

Conclusion

18. For the reasons given above, and taking into account matters raised, I conclude that the appeal should be dismissed.

S J Buckingham

INSPECTOR