
Appeal Decision

Site visit made on 14 March 2017

by R J Jackson BA MPhil DMS MRTPI MCMI

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

Decision date: 22 March 2017

Appeal Ref: APP/E5900/D/17/3168321
29 Alderney Road, London E1 4EG

- 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 Gower Ramsey against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/03236, dated 23 November 2016, was refused by notice dated 18 January 2017.
 - The development proposed is described on the application form as "this planning submission is being made in relation to the conversion of the loft space at No 29 Alderney Road, Tower Hamlets. The proposal is to demolish the existing roof structure and replace it with a full mansard roof extension. The design of the proposed mansard will reflect the existing mansard extensions within the terrace. A small rear addition over the existing outrigger will house a shower room, the family property has only one bathroom, the family require additional facilities for their growing needs. The outrigger has been kept to the minimum so as not to over develop the roofing & massing. The shower room is top lit & covered in hanging tile to match the roof. At ground floor, an infill side return to the outrigger will extend the kitchen out to the boundary wall. The material palette [sic] for the extension will be in keeping with the existing".
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Decision

1. The appeal is allowed and planning permission is granted for roof alterations including replacement of pitched roof with mansard roof, rear dormer window and extension at roof level over the existing outrigger. Single storey rear extension at 29 Alderney Road, London E1 4EG in accordance with the terms of the application, Ref PA/16/03236, dated 23 November 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing Title – Commencing "Planning_"	Drawing Number	Comments when necessary
Location Plan	PHP ALD PLN 01 Rev P0	
Existing Plans	PHP ALD PLN 02 Rev P0	
Existing Plans	PHP ALD PLN 03 Rev P0	

Drawing Title – Commencing “Planning_”	Drawing Number	Comments when necessary
Existing Elevations	PHP ALD PLN 04 Rev P0	
Existing Section	PHP ALD PLN 05 Rev P0	
Proposed Plans	PHP ALD PLN 11 Rev P0	
Proposed Plans	PHP ALD PLN 12 Rev P1	Showing Half Landing Plan and Second Floor Plan
Proposed Plans	PHP ALD PLN 12 Rev P1	Showing Roof Plan
Proposed Ele	PHP ALD PLN 14 Rev P0	
Proposed Section	PHP ALD PLN 15 Rev P0	
Proposed Section	PHP ALD PLN 16 Rev P0	
Proposed Section	PHP ALD PLN 17 Rev P0	

- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural matters

- The Council on its decision notice described the proposed development as “Roof alterations including replacement of pitched roof with mansard roof, rear dormer window and extension at roof level over the existing outrigger. Single storey rear extension”. This description was also used by the appellant on the appeal form and it succinctly describes the proposal. I have therefore used it in the formal decision above.
- The application drawings include two drawings numbered PHP ALD PLN 12. Both are entitled “Planning_Proposed Plans” and are revisions P1. One shows the proposed half landing and the proposed second floor and the other the proposed roof plan. The former of these two plans has two roundels with “01 PLN 12” and “02 PLN 12” on it, the latter “01 PLN 13”. Both drawings are needed to describe the proposals, and I have included them, differentiated, in the list of approved plans.
- The proposal is for three elements. The replacement of the currently pitched roof on the main house with a mansard, the erection of a single storey rear extension between the existing outrigger and the wall of the cemetery to the east, and the construction of a dormer construction at half-landing height between what would be the first and second floors. The Council granted planning permission in October 2016 for the construction of the mansard roof alone and has raised no objection to the single storey extension. The reason for refusal relates to the dormer construction at half-landing height.

Main Issue

- The main issue is the effect on the Carlton Square Conservation Area (the CSCA).

Reasons

6. The Council has adopted the CSCA Character Appraisal and Management Guidelines (the CAMG). This notes that the CSCA is characterised by its cohesive group of mid to late Victorian housing and I agree with this assessment. The Victorian terrace houses are generally two storeys in height raised on a semi-basement. To the front of properties, generally, parapets extend the length of the terrace and conceal a series of uniform London roofs. The CAMG notes that it is the character of the area rather than individual buildings which the designation of the CSCA seeks to preserve and enhance.
7. The National Planning Policy Framework (the Framework) defines 'significance' as the value of a heritage asset to this and future generations because of its heritage interest. This interest may be archaeological, architectural, artistic or historic. Significance derives not only from a heritage asset's physical presence, but also from its setting.
8. The appeal property is an end of terrace dwelling, but unlike the majority of the terraced houses described above, this terrace has pitched roofs facing and visible from the highway. This gives the properties a greater presence than a number of others in the area. Four of the dwellings in this terrace already have mansard roofs to the front elevation and the introduction of a mansard roof would be in keeping with those other properties and would be in keeping, and thereby preserve, the character of the CSCA to which special attention should be paid in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Listed Buildings Act).
9. The single storey rear extension would infill, but be separate from the wall to the cemetery. Being set within and behind the confines of the garden perimeter it would have no effect outside the site, and while the fact that a development cannot be seen is not, of itself, a good reason to allow a proposal, the development would have no effect on the character and appearance of the CSCA which would therefore be preserved.
10. As noted above the Council's objections relate to the proposed dormer construction above the two storey outrigger. It would involve raising the party wall between the appeal property and that the west, No 31, and the creation of, what is described on the application drawings as, a 'pod'. The external surfaces of the dormer would be completed in materials to match the roof of the outrigger, but there would be two horizontal rooflights on top of the dormer, with the remainder of the roof sloping down. This means that, apart from above, the dormer would appear blank from the exterior. It would extend approximately one-third of the length of the existing outrigger from the rear elevation of the main house.
11. The rear elevations of the properties of this section of Alderney Road have a rhythm created by the rear outriggers. However, unlike other parts of the CSCA where the rear elevations can be seen from the public domain, such as of Argyle Road from Carlton Square and Gardens, these are not in the public domain and thus not a dominant feature. The different nature of the roof form of the terrace, with the mansard roofs and other dormers, means that could be considered differently from those terraces where the roof form is behind a parapet.

12. The proposed dormer would be a small element closely related to the main roof of the extended house. While above the existing outrigger it would be only a short distance above the existing eaves line of the dwelling and would not be intrusive. The symmetry of this particular pair of outriggers would be lost but the degree of change would be extremely limited and thus neither over prominent or alien. I viewed the site from various locations including from within Mile End Place to the southeast of the appeal site, but in all these locations the appeal proposal could only be seen in medium distance views, and behind vegetation, and would create no harm to the character and appearance of the CSCA which would therefore be preserved.
13. The proposal would therefore preserve the character, and thus the significance, of the CSCA. As such the proposal would comply with Policies DM24 and DM27 of the Tower Hamlets Local Plan Managing Development Document which require development that is sensitive to and enhances the local character and setting of the development, taking into account scale, height, mass, bulk and form of development and roof lines, and that development should not have an adverse impact on the character of a heritage asset. It would also comply with paragraph 131 of the Framework which indicates account should be taken of the desirability of enhancing the significance of heritage assets.

Other matter

14. The cemetery to the east is a Grade II listed building entitled "Jewish Cemetery", and is described as "disused Jewish Cemetery.... Some old brick walling survives now patched with cement". The CAMG indicates that the perimeter wall dates from the eighteenth century. The proposed single storey extension would be separate from the wall and the proposed mansard and pod extensions would be sufficiently discrete from the overall wall and its setting so that the listed building and its setting would be preserved. As such the proposal would comply with Section 66(1) of the Listed Buildings Act to which special attention should be paid.

Conditions

15. I have considered the conditions put forward by the Council against the requirements of the national Planning Practice Guidance and the Framework. In addition to the standard timescale condition, I have imposed a condition specifying the relevant drawings as this provides certainty, noting the discrepancies described above.
16. I have also imposed a condition requiring the materials to match the existing building to ensure that the proposals preserve the character of the CSCA and the setting of the listed building.

Conclusion

17. For the reasons given above I conclude that the appeal should be allowed.

RJ Jackson

INSPECTOR