
Appeal Decision

Site visit made on 21 February 2017

by David L Morgan BA MA (T&CP) MA (Bld Con IoAAS) MRTPI IHBC

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

Decision date: 28th March 2017

Appeal Ref: APP/E5900/D/17/3166434

33 Eric Street, London E3 4TG

- 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 Rohmot Ali against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02593, dated 30 August 2016, was refused by notice dated 1 November 2016.
 - The development proposed is excavation of lightwell to the front of the property with insertion of bay style window and installation of a cast iron grille to the front.
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Decision

1. The appeal is allowed and planning permission is granted for excavation of lightwell to the front of the property with insertion of bay style window and installation of a cast iron grille to the front at 33 Eric Street, London E3 4TG in accordance with the terms of the application, Ref PA/16/02593, dated 30 August 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: A 1002, NVID01, NVID02, NVID03, NVID04, NVID05 and NVID06.
 - 3) Prior to the commencement of development, full details, including scale drawings and sections (notwithstanding that illustrated in drawing NVID06) of the proposed front exterior basement lightwell area and bay window, including finishes, structural components, window head, frames, sub-frames and materials, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details.
 - 4) Prior to the commencement of development, full details, including scale drawings, of the proposed front railings and grill, shall be submitted to and approved in writing by the local planning authority. The works shall be carried out in strict accordance with the approved details.
 - 5) Prior to the commencement of development, full details, including scale drawings and sections of the proposed rear exterior basement lightwell area, including means of opening-up, consolidation of surfaces and means of fenestration (window details) of the rear basement room shall be submitted to and approved in writing by the local planning

authority. The works shall be carried out in strict accordance with the approved details.

Main Issues

2. These are a) whether the proposed development would preserve the Ropery Street Conservation Area and b) their effect on the living conditions of future occupiers with respect to appropriate standards of accommodation.

Reasons

3. Despite the predations of war damage and later redevelopment, the streets making up the Ropery Conservation Area are striking by their general degree of uniformity, consistent scale and proportion and their distinctive architectural detail. The modest terraced houses, constructed of characteristic London Stock brick and dating from the mid second half of the C19 exhibit a distinct Italianate exuberance, most obviously expressed in the two storey bay windows and flat tripartite window arrangements that in some areas alternate along the terrace. Some houses retain their decorative cornices to the parapet, whilst others still have enclosing sets of diminutive iron railings enclosing the frontal areas of each house. For such relatively modest dwellings this detailing is both rich and diverse and collectively gives the area a very strong, distinct and very attractive identity and character.
4. Although the appeal property has suffered a degree of loss, including the parapet cornice, timber sash windows and railings, its two storey bay still makes a strong contribution to the street scene with its bracketed cills, upper bay cornice and pretty engaged columns with classically detailed capitals.
5. In some of the streets, including Eric Street and Mossford Street, the erosion of architectural detail has been halted and in some areas reversed, with the re-instatement of railings and timber sash windows, and in some cases, including one in Mossford Street and two in Eric Street, the creation of open front areas, allowing light to the basements of these dwellings.
6. The appeal proposals are for the excavation of the area well, the construction of a structural bay window continuing the profile of that above and the installation of iron railings along its perimeter. They also include the adaptation of the two basement rooms and corridor for residential use. This includes the provision of a basement bathroom and the fenestration of the room the rear.

Effect on the Ropery Street Conservation Area

7. It is the case that the creation of the front area well and the installation of the basement canted bay would alter the character and appearance of the appeal property. As far as I could judge from my visit, none of the other houses with two storey bays have such open front areas. However, I did note that two other flat-fronted properties within the street were in the process of creating such areas, where the full orthogonal extent of the open space created would be apparent from the street. Moreover, I also saw a bay fronted house in Mossford Street where such a similar front area had been created, with the addition of the canted basement bay within.
8. The creation of the basement bay would essentially have the effect of extending the existing architectural element of the bay down beneath the level

of the street but within the confines of the area, itself strongly defined by the proposed railing enclosure. This in my view is an architecturally driven solution that uses and indeed picks-up on such approaches applied locally to deliver a practical answer to lighting the space below. Moreover, all parties agree that the reinstatement of the railings, a dominant and unifying element in the street scene, would enhance the character of the area, although there would appear very little incentive to incur the cost of undertaking this at no practical benefit to the occupiers.

9. Given the examples of the creation of such front areas and area bays within the conservation area already, and that such an alteration could be achieved through an architecturally driven approach, I conclude the principle of creating such a front area enclosed by railings is acceptable. However, critically, the test of whether the proposals would indeed preserve the character and appearance of the conservation area, as section 72 of the 1990 Planning (Listed Building and Conservation Areas) Act requires, in this case depends on the detail and quality of the finishing of the proposed works. To securely deliver this necessary quality I conclude that details of all the key elements of the proposal be secured through conditions, and I elaborate on these below (see **Conditions**).
10. With these details so secured, I conclude the proposals would preserve the character and appearance of the conservation area in accordance with the expectations of the Act and indeed would accord with policy SP10 of the adopted Core Strategy (2010) and policies DM24 and DM27 of the Council's Managing Development Document (2013) all of which seek both a high level of design quality and the protection of the borough's designated heritage assets. For the same reasons I conclude the proposals would be consistent with the expectations of paragraph 132 of the National Planning Policy Framework, which affords great weight to the conservation of designated heritage assets.

Effect on living conditions

11. I accept that due to the limited extent of the proposed front basement area levels of natural light would not be the equivalent to that of the living space above. However, the provision of a canted bay projecting into the area is the technical means by which the maximum degree of light could be admitted to this space, maximising as it does the area of glass within it. In my judgement this is likely, in respect of the front room, to be sufficient in order to provide adequate light levels for future occupiers here.
12. It is the case that at present the rear basement room is afforded very limited access to light. However, from my site inspection (and as the drawings illustrate) there is a reasonably sized window opening to the rear. This was formerly light by a rear basement area now closed off. However, it was also apparent from my inspection that this could readily be opened up and, subject to an appropriate condition, I conclude this could be readily and reasonably be accommodated as part of the grant a conditional planning permission. With this opening-up so facilitated, I also conclude that the rear room would also receive sufficient light so as to provide acceptable living conditions for future occupiers. In both respects therefore I conclude the proposals would provide an acceptable living environment and so safeguard the living conditions of future occupiers and thus accord with policy DM25 of the Managing Development Document 2013.

Conditions

13. The appeal being allowed, and as indicated above, I attach a number of conditions, the first (after the standard time commencement condition) being that the development is carried out in accordance with the approved plans, in order to afford certainty. I also attach conditions requiring the submission of full details of the front exterior basement lightwell area, the proposed bay window structure and the window details, along with details of the proposed railings, all to ensure the preservation and enhancement of the character and the appearance of the Ropery Street Conservation Area. Lastly I attach a condition requiring the submission of details of the opening –up or the rear exterior basement area in order to ensure a sufficient quality of living accommodation for future occupiers.
14. For the reasons given above and having considered all matters raised, I conclude that the appeal should be allowed.

David Morgan

Inspector