

Appeal Decision

Site visit made on 16 March 2017

by A J Mageean BA (Hons) BPI PhD MRTPI

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

Decision date: 31st March 2017

Appeal Ref: APP/E5900/D/16/3165438

8 Sewardstone Road, London E2 9JG

- 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 Singh against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/01149, dated 4 May 2016, was refused by notice dated 26 September 2016.
 - The development proposed is roof extension to existing two-storey property to provide 2 more bedrooms (1 en-suite) and a bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the terrace in which it is located, the Victoria Park Conservation Area, and the settings of both the Regents Canal Conservation Area and the adjacent listed buildings.

Reasons

3. The appeal site forms part of a modern terrace of two storey properties with basements, located within the Victoria Park Conservation Area (CA). This terrace backs onto Regents Canal which itself forms a linear CA, running between the appeal site and Victoria Park itself to the north east. On the opposite side of the Canal are two Grade II listed lock buildings and associated structures and the Canal towpath. This row of reasonably uniform terraced properties, whilst varying in position relative to the Canal, and increasing in height further west, presents a simple yet robust and consistent visual boundary to the Canal and Park beyond.
 4. The part of the terrace in which the appeal property is located, comprising No 2-20, is stepped to follow the line of the Canal, is brick built with mono-pitch roofs sloping towards the Canal, and is faced with slate at first floor level on the Canal elevation. The proposed roof extension would place a box dormer, filling the width and much of the depth of the property, within the roof slope. Whilst it would be set back from the Canal side eaves, the front part of the dormer closest to the Canal would be higher than the existing roof ridge, with the dormer roof sloping to the south west to meet the roof ridge. There would be four large windows facing onto the Canal.
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5. None of the other properties forming this part of the terrace have been altered at roof level. The proposed roof extension would be a prominent addition, particularly given the position of the appeal property centrally within this row, the height of the front portion of the dormer, and the size and position of windows which would not relate well to those on lower floors. In the context of the modest appearance and consistent rhythm of this part of the terrace, this eye-catching and incongruous addition would be highly visible from the Canal towpath and Park beyond. It would also be an intrusive addition when viewed as part of the setting of the adjacent listed buildings.
6. The appellant argues that the terrace presently makes a neutral contribution to the character and appearance of the CA's, and that the dormer would appear as an extension rather than an additional storey. However, I have identified the value of the terrace as a backdrop to the Canal, defining its south western boundary. In this sense the current simple and uniform appearance of the terrace has a key role in directing the eye along the length of the Canal, and as such any visual interruption, such as that presently proposed, should be avoided. I accept that the flatted development on the opposite side of Sewardstone Road is visible behind this terrace from the Canal towpath. However, this is seen mostly in direct views across the Canal, and not in the predominant angled views along the Canal experienced by those using waterborne transport and the Canal towpath.
7. A number of roof extensions have been permitted in properties along this side of the Canal, though none of these are within the part of the terrace currently under consideration, that is No's 2-20. As such, they do not raise the same issues. More specifically, the Royal Cricketers Public House, a substantial and visually distinct building adjacent to the Old Ford Road bridge over the Canal, is viewed as the end point of the terrace prior to the bridge and as such its roof addition does not interrupt the rhythm of the terraced row. The dormer extensions to No 38 and to No's 72-78, and the approved extension to No 64, relate to the Canal frontage to the north west of the appeal property, which has a less consistent appearance, is somewhat screened by trees and does not form part of the immediate setting of the listed buildings. Therefore I do not accept that a precedent has been established by these other examples.
8. I accept that the materials proposed would match the existing building, however this would not alter the harm caused by the intrusive appearance of a box dormer in this location. I also accept that the extension would not be visible from Sewardstone Road. Nevertheless it is clear that the effect of the proposal on the Canal frontage is critical to the determination of this case.
9. The appellant considers that the proposal would comply with the requirement to secure high quality design set out in the National Planning Policy Framework (the Framework). However the Framework also places considerable weight on the protection and enhancement of heritage assets, including their settings. In this context the statutory duty in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. In this case whilst the harm caused by the proposed extension would be significant it would be less than the substantial harm referred to by the Framework. Consideration of the public benefits that would accrue from the development does not include the provision of additional accommodation for the appellant, and therefore does not outweigh the harm I have identified to the significance of the designated heritage assets.

10. I therefore conclude that the proposal would have a detrimental effect on the character and appearance of the terrace in which it is located, the Victoria Park Conservation area, and the settings of both the Regents Canal Conservation Area and the adjacent listed buildings. In these respects it would conflict with Policies DM24 and DM27 of the Tower Hamlets Managing Development Document 2013 which require design to be sensitive to and enhance local character, recognising that heritage assets are key elements of the sense of place.
11. As the conflict with the development plan is not outweighed by any other material considerations, the appeal should not succeed.

AJ Mageean

INSPECTOR