

Appeal Decision

Site visit made on 27 March 2017

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

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

Decision date: 27 April 2017

Appeal Ref: APP/E5900/W/16/3166070

233-237 East India Dock Road, London E14 0EG

- 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 Laveen Nanda, Nanda Group Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/01278, dated 12 May 2016, was refused by notice dated 22 July 2016.
 - The development proposed is described as 3rd and 4th roof extension to incorporate 2 x one bedroom flats, 2 x two bedroom flats and 1 x three bedroom flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues raised by this appeal are the effect the proposed development would have on the character and appearance of the area, whether it would make appropriate provision for cyclists and the effect outward opening doors would have on highway safety.

Reasons

Character and appearance

3. The appeal relates to a group of three buildings of three storey height set in a terrace between two other similar properties to one side and a slightly higher three storey building to the other. Along with its neighbours to the east it has a parapet creating a strong and consistent roofline above which the ridges of its pitched roofs and substantial chimney stacks are visible from some aspects. The proposal would add two storeys of residential accommodation to the buildings, the top floor of which would be set back from the façade.
 4. Properties in the block along the north side of East India Dock Road between Ida Street and the approach road to the A12/A102 display considerable variety in height. Buildings range from single storey to five stories, albeit that the taller ones are located in a group to the east of the appeal site and appear distinct from it as a result of some lower intervening buildings. The appeal site appears as part of a distinctive group of properties of similar height with a consistent appearance, albeit the easternmost building is rendered whereas the others have brick frontages.
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5. Although they are not designated heritage assets they nevertheless make a positive contribution to the area's character and appearance as a result of their similarity and consistent appearance, particularly above ground floor level. This is apparent when viewed along East India Dock Road and, unlike some other buildings farther along the street, also when viewed from some distance along Cotton Street opposite. They occupy a prominent position in the wider streetscene as a result.
6. The increase in height would lead to an incongruous and awkward relationship with the remaining three storey buildings in the group, particularly those to the east. This effect would be accentuated by the rise and fall design of the proposed parapet which would be at odds with the level parapets of adjoining buildings. Although the appellant explains this feature seeks to reference the distinctive 'butterfly' roof of the existing building, this is a feature associated with the rear of the building rather than the front.
7. There are notable changes in height between other buildings along the street however their presence does not introduce such variety that would significantly reduce the effect of the proposal. Whilst the resulting height may be similar to that of other existing or proposed buildings farther along the street in either direction, these are not so ubiquitous or close to the site that they create a context in which the proposal would appear less inharmonious with its neighbours.
8. As a result the proposal would harm the character and appearance of its immediate surroundings and would not represent high quality design. This would be contrary to Core Strategy¹ (CS) Policy SP10 and Managing Development Document² (MDD) Policy DM24 which, amongst other criteria, together require development to respect its local context and townscape taking into account surrounding character, scale, height, mass, bulk and form of development. These policies accord with the National Planning Policy Framework's (the Framework) approach that development should respond to local character and that permission should be refused for development of poor design.
9. In support of the appeal the appellant has referred me to a number of other developments locally, both existing and proposed. That referred to at No 223 would be on the other side of Ida Street and Nos 249-251 (which the Council advise has not been implemented) relates partly to one of the single storey buildings on the street. As well as not being presented with full details of these schemes their locations are materially different to that of the appeal site, in particular the appeal site's location within a terrace of properties of similar height and appearance.
10. The appeal site has a distinct relationship to its surroundings compared to those taller buildings to the east. Whilst the considerably taller blocks situated on the south side of East India Dock Road and at its corner with Chrisp Street form part of the wider built context of the appeal site, these appear as tall individual structures in the wider streetscape setting them apart from the lower buildings around them, including the terrace of which the appeal site is part.

¹ LDF Tower Hamlets Core Strategy - Development Plan Document, 2010.

² Tower Hamlets Local Plan Managing Development Document - Development Plan Document, 2013.

11. The appellant refers to an Inspector's comments in an appeal decision relating to the scheme at Nos 249-251 and in particular reports that that they found that there was not any marked building uniformity in the street frontage. However, whilst parts of the street do display a lack of uniformity I have found that the appeal building and its immediate neighbours do have a degree of consistency in design and appearance that has led me to find that the proposal would be unacceptable. Therefore, having considered the appeal on its own merits, I do not consider that these other existing or proposed developments elsewhere on East India Dock Road have created circumstances which would make the appeal proposal otherwise acceptable.

Cycle provision

12. The proposed cycle store would be in the basement. The proposed configuration of stairs leading to the basement would be convoluted with a right angle bend at the top of the stairs and another in the basement corridor they would lead to. Not only would occupiers have to carry bicycles up and down the stairs, the route would be a torturous and particularly inconvenient one. It would be likely that occupiers would choose not to negotiate such a route. Given that the proposed flats would be on the second and third floors the alternative of occupiers carrying bicycles up flights of stairs to their flats would be equally unattractive. These circumstances would mean that the majority of future occupiers would be unlikely to choose to use bicycles as a genuine transport option due to a lack of appropriate storage.
13. Whilst the type of cycle racks used could be controlled by way of a condition, I noted from my inspection that the room in which they would be installed had restricted headroom and a floor level considerably higher than the corridor that serves it. This would make unlikely to be suitable for cycle storage in any event. The MDD recognises³ that the provision of cycle facilities is crucial in encouraging more sustainable travel, that cycle parking should accommodate current demand and encourage further use and that it should be accessible, secure, undercover and convenient. Neither the proposed storage, nor the appellant's suggested alternative of providing external cycle stands on the pavement, would meet these requirements.
14. All this leads me to consider that the proposal would not provide suitable provision for cyclists, contrary to MDD Policy DM22, and consequently neither would it support the sustainable transport objectives of MDD Policy DM20. It would not accord with the Framework's aim of promoting sustainable transport including cycling.

Highway safety

15. The proposed outwardly opening doors to the proposed refuse store at the front of the property would replace an existing outward opening door serving the basement which the plans show as providing residential accommodation. As the proposed doors would be the only way into the bin store they would only be likely to be opened from the outside where a good view of footway users could ensure that their route was not unreasonably affected.
16. This arrangement would also be an improvement on the existing arrangement where someone leaving the premises could open the door without being able to

³ Paragraph 22.6.

see anyone passing outside. In any event an existing projecting flank wall adjacent to the proposed doors would mean that pedestrians are unlikely to walk immediately adjacent to the area over which they would open.

17. These circumstances mean that there would be no harm to the safety of users of the footway, even if they were to traverse an area the appellant considers is part of a private forecourt. The proposal would consequently avoid conflict with CS Policy SP09's highway safety requirements. However, avoidance of harm in this respect does not amount to a positive consideration in favour of the development.

Conclusion

18. For the above reasons, and having had regard to all other matters raised, the proposal would harm the character and appearance of the area and fail to make suitable provision for cyclists, contrary to the development plan and the Framework. Any benefits to the supply of housing arising from the provision of the proposed flats would be outweighed by this harm. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR