The Planning Inspectorate

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: 2 May 2017

Appeal Ref: APP/E5900/W/16/3165499
32C East India Dock Road, London E14 6JJ

- 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 Stephen Foster, Clarence Estates (London) Ltd against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/16/01872, dated 8 April 2016, was refused by notice dated 22 August 2016.
- The development proposed is a mansard loft extension to a one bedroom flat, creating a two bedroom maisonette.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue raised by this appeal is the effect the proposal would have on the character and appearance of the host building and the St Anne's Church Conservation Area, a designated heritage asset.

Reasons

3. The appeal site is a mid-terraced property. The front elevation is characterised by simple and elegant proportions and a deep parapet with a cornice at roof level, above which substantial chimney stacks are visible. To the rear its distinctive 'butterfly' pitched roof with a central valley is apparent, a feature it shares with other properties in the terrace extending to the west and which are visible from Amoy Place which runs along the back of the terrace. The proposal would add an additional storey with steeply sloping front and rear elevations and almost flat roof. It would be set behind the parapet to the front and also slightly set back from the gables on the rear elevation.

4. The Conservation Area, as well as being centred on St Anne's Church, has a character and appearance which is also heavily influenced by the public buildings and C19 residential architecture which contribute to a robust and distinctive townscape, particularly along the principal routes which converge on the Church. This heritage asset derives a considerable measure of its significance from this townscape which includes the terrace in which the appeal property is located.

5. The appeal property retains considerable historic and architectural integrity as a result of its relatively unaltered condition to front and rear which extends to its roof. As a result it makes a positive contribution to the Conservation Area's

character and appearance both in itself and as part of the predominantly uniform and consistent appearance of the terrace in which it sits.

6. The next door property at 34 East India Dock Road is an exception to this consistency, particularly at roof level where it has a conspicuous mansard type extension and whose prominence in the terrace is accentuated by its white render finish and a tall outrigger to the rear. These features are nevertheless isolated within the long terrace.

7. Notwithstanding its setback to front and rear, the proposed extension would appear as a bulky addition to the host building and introduce a conspicuous built element above the parapet to the front. This would fundamentally alter the original composition of the terrace where the consistent parapet line forms an integral design feature and is largely retained, with the exception of the extension which protrudes above it at No 34.

8. It would substantially alter the overall shape and form of the building and appear as an incongruous feature on the property and the terrace at both the front and the rear where it would result in the effective loss of the distinctive 'butterfly' roof. It would obscure what remains of the chimney stack on the party wall with No 34 and make that on the party wall with No 30 considerably less pronounced (if they were to be retained). This would be in harmful contrast to the majority of buildings in the terrace to the detriment of its consistency, uniformity and rhythm.

9. Whilst the proposal's prominence from the east would be lessened to a degree by its location adjacent to the extension at No 34, this would not be to the extent that would avoid these harmful effects. Rather than improving the appearance of the currently isolated extension at No 34 as the appellant suggests, the proposal's presence abutting it would render both more conspicuous as a result of their combined mass, scale and bulk.

10. The proposed extension's set-back behind the parapet would avoid it being viewed from immediately below and farther along the south side of the street. However, these aspects are limited and the extension would be clearly visible and conspicuous when viewed from the other side of East India Dock Road and in the wider streetscape. The retention of a small portion of the existing 'butterfly' roof shape at the rear would appear very limited in the context of the distinctive serrated pitched roofs of other properties to the west of the site visible from Amoy Place. This feature would consequently not overcome the harmful effects of the effective loss of the current roof arrangement nor the bulky shape and form of the proposed extension apparent from the rear.

11. The appellant considers that the proposal would have a limited effect on the character of the Conservation Area given that the Character Appraisal[1] states that the primary purpose of its designation was to safeguard the visual setting of St Anne's Church. However, whilst the appeal site is situated some way to the east of the Church the Appraisal nevertheless makes it clear that designation also "protects the diverse historic streetscene along this part of Commercial and East India Dock Road" and goes on to identify the terrace as forming part of this character.

[1] St Anne's Church Conservation Area – Character Appraisal and Management Guidelines, 2009.

12. The proposal would therefore harm the Conservation Area's character and appearance, the desirability of preserving or enhancing such attributes is something to which I have paid special attention.

13. This harm would be less than substantial due to its limited scale in relation to the overall Conservation Area. These are circumstances where the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal. Whilst the benefits would be largely private the Council consider that there would be some public benefits to the housing stock of the area through the provision of an enlarged flat. However, these public benefits would be very limited and would be extensively outweighed by the harm to the significance of the designated heritage asset to which I have attached considerable importance and weight.

14. The proposal would be contrary to London Plan Policies 7.4, 7.6 and 7.8, Core Strategy[2] Policies SP10 and SP12 and Managing Development Document[3] (MDD) Policies DM24 and DM27. Amongst other criteria, together these require that development: is sensitive to and enhances local character; is of the highest architectural quality; conserves the significance of heritage assets by being sympathetic to form, scale and architectural detail; retains features that contribute to a place's heritage, character and local distinctiveness, and; are is only approved for alterations and extensions where adverse impact on character, fabric or identity is avoided.

15. The appellant points out that paragraph 27.7, supporting MDD Policy DM27, states that the Council may allow additional roof storeys to buildings in Conservation Areas. However, it goes on to explain that this would only be where significance would not be harmed, particularly where the existing roof line of terraces is of predominantly uniform character, circumstances which I have found exist in this case.

Conclusion

16. For the reasons set out above, the proposal would harm the character and appearance of the host building and the Conservation Area, and consequently the significance of that designated heritage asset. This would be contrary to the development plan and the Framework and the appeal is therefore dismissed.

Geoff Underwood

INSPECTOR

[2] LDF Tower Hamlets Core Strategy - Development Plan Document, 2010.
[3] Tower Hamlets Local Plan Managing Development Document – Development Plan Document, 2013.