



Appeal Decision

Site visit made on 26 April 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/E5900/W/17/3167762

Land at rear of 48-52 Grove Road, London E3 5AX

- 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 St John's Developments LTD against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/03093, dated 24 October 2016, was refused by notice dated 12 January 2017.
 - The development proposed is erection of single storey B1 building and extension to cycle storage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The address on the application form and decision notice is different. I have utilised the address on the decision notice which I consider to be a more accurate description of the location of the appeal site.

Main Issues

3. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area and the Tredegar Square Conservation Area.
 - The effect of the proposal on the living conditions of the occupiers neighbouring residential properties with specific reference to outlook.

Reasons

Character and appearance

4. The appeal site is an used piece of land situated adjacent to a car park to the rear of a terrace of flats at 48-52 Grove Road in Tredegar Square Conservation Area. The site is in the centre of a perimeter block bound by Grove Road to the west, Morgan Street to the south, Alloway Road to the east and Lichfield Road to the north.
 5. The Tredegar Square Conservation Area Character Appraisal (CACA) 2008 identifies the area as being laid out around Tredegar Square on a grid and uniform pattern. The character is derived from the repetition of architectural elements to create a finely textured surface to the continuous building frontages.
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6. Buildings are generally set back behind small front gardens or front light wells, enclosed by low boundary walls and rear gardens. The building would be erected on a rectangular plot of land at the back of a car park which is bound on three sides by the rear gardens of surrounding properties. The site is empty with a small paved area with some shrubs and is bound by low brick walls topped with a trellis. The site and surrounding rear gardens contribute to the open and verdant character of this area which provides relief from the surrounding high density development.
7. The scale of development has been reduced from a previous proposal for a 1 No one bedroom flat on the same site which was dismissed at appeal¹ in 2016 as the building would be sunk into the ground with a flat roof. The materials would also be consistent with that of surrounding properties. However, the building would be located in close proximity to the boundaries of surrounding properties and would occupy a high proportion of the site. In addition, the layout would be at odds with the prevailing pattern of development created by frontage development with rear gardens.
8. Furthermore, the proposal would be situated within an otherwise undeveloped, open and verdant space in the centre of a perimeter block. Although the proposal has been reduced in scale it is, nevertheless, larger than a typical outbuilding which would normally be found in gardens. The building would also have significantly greater depth than a typical garage which may be found in a residential area. In addition, the building would sit within a separate curtilage, unlike a domestic outbuilding or garage which could be constructed under permitted development rights.
9. Although the proposal would not be visible from Grove Road it would be highly visible to residents of surrounding properties which back onto the site. Taking these factors in combination, the proposal would result in an incongruous feature that would be at odds with the prevailing pattern of development and which would diminish the open character of this area.
10. Moreover, the layout of the proposal would contrast with the prevailing uniform pattern of development in the Conservation Area and would, therefore, fail to preserve or enhance the character and appearance of the Conservation Area. Whilst this harm would be less than substantial, the public benefits of the proposal in terms of creating an office use in a sustainable location would not outweigh the harm which I have identified.
11. Whilst the proposal would contribute to the economic dimension of sustainable development, it would fail to accord with paragraph 17 of the National Planning Policy Framework (the Framework) which seeks to secure high quality design. Paragraph 56 of the Framework states that good design is a key aspect of sustainable development, is indivisible from good planning and should contribute positively to making places better for people.
12. For the reasons stated, I conclude that the proposal would have a harmful effect on the character and appearance of the area and would fail to preserve or enhance the character and appearance of the Tredegar Square Conservation Area. Consequently, the proposal would be contrary to Policy SP10 of the Council's Core Strategy Development Plan Document (CSDPD) and Policies DM24 and DM27 of the Council's Managing Development Document (MDD) which collectively seek to secure high quality design and protect the historic environment.

¹ Appeal reference: APP/E5900/W/16/3147615

Living conditions of existing occupiers

13. The proposal would be situated approximately 12m away from the rear elevation of numbers 48-50 Grove Road which contain habitable rooms. The ground floor windows are protected from any potential overlooking or privacy issues by a fence which defines the rear curtilage of these properties. Furthermore, a car park separates the appeal site from those properties.
14. The rear elevations of numbers 18 and 19 Alloway Road would be situated approximately 15m from the appeal building. Part of the appeal building would be visible above the vegetation within the back gardens of those properties which would result in an increased sense of enclosure for occupiers of those properties. However, the existing landscaping would provide a degree of screening.
15. The appeal proposal would be located immediately to the south of the rear elevations of numbers 91, 92 and 93 Lichfield Road. These properties have large windows which appear to serve habitable rooms looking out over the back gardens. Indeed No 93 has a terrace situated on top of the flat roof single storey extension. The gardens are shallow and enclosed by relatively low boundary walls and occupiers, therefore, currently have an open outlook over the appeal site. The building would enclose the entire southern boundary of Nos 92 and 93. Although the proposal has been reduced in height from an earlier proposal it would, nevertheless, extend significantly above the existing rear boundary fence and occupiers would be faced with a blank brick wall. This would result in an increased sense of enclosure and a reduction in existing outlook for residents. Consequently, the proposal would have a dominant and overbearing presence.
16. For the reasons stated above, I conclude that the proposal would have a harmful effect on the living conditions of neighbouring residential properties in terms of outlook. It would, therefore, be contrary to the amenity protection aims of Policy SP10 of the Core Strategy and Policy DM25 of the MDD

Conclusion

17. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

Caroline Mulloy

Inspector