
Appeal Decision

Site visit made on 25 April 2017

by A A Phillips BA (Hons) DipTP MTP MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/E5900/W/16/3166047

Trinity Hall, Durward Street, London E1 5BA

- 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 Bloomfold Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/02620, dated 1 September 2016, was refused by notice dated 27 October 2016.
 - The development proposed is extension and alteration at roof level to provide one x 2 bed flat.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal preserves or enhances the character or appearance of the Whitechapel Market Conservation Area.

Reasons

3. The appeal site is situated in a mixed use area comprising a range of commercial, residential and community uses. It adjoins Whitechapel District Centre and Whitechapel Station, which is currently under major redevelopment as part of the construction of Crossrail. As a consequence of this work access around the site is significantly restricted and therefore views of the site are also somewhat constrained.
 4. Trinity Hall is a four storey (plus basement and roof storeroom) which was originally constructed as a school in 1877. It is taller than the majority of buildings in its immediate vicinity and from the currently restricted viewpoints it appears as a prominent and attractive landmark in its surroundings. The building was used for commercial purposes for many years but I understand that by 1980s it was disused and in a very poor state of repair. In 1997 planning permission was granted for the refurbishment and conversion of the building into residential use, which remains its current use.
 5. The building has largely retained its original character and appearance. The main elevations comprise a mix of London stock brick, red brick and some Portland stone with interspersed windows. The main front elevation has large areas of brickwork with decorative panels and brick detailing. The roof top was originally used as a playground and the decision notice for the residential conversion in 1997 refers to there being a communal roof terrace. The roof
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area remains enclosed by attractive ornate cast iron railings and finials. The prominent chimney stacks are also key features of the building and the local skyline.

6. The building is within the Whitechapel Market Conservation Area, but is neither statutorily nor locally listed. The Whitechapel Conservation Area Appraisal and Management Guidelines states that the main focus of the Conservation Area is the market itself and the adjoining row of buildings. The only reference to the appeal site in the Appraisal is the space in front of the building which is referred to as a quiet space which provides a contrast to the vibrant street market on Whitechapel Road. However, I consider that the building makes a positive contribution to the Conservation Area as a building of landmark appearance with a very distinctive roofline and the contrast of its historic form and design with modern buildings and structures in its vicinity.
7. As required by Paragraph 132 of the National Planning Policy Framework (the Framework), in determining this appeal I attach great weight to the desirability of preserving or enhancing the character or appearance of the Whitechapel Market Conservation Area within which the site is located.
8. The current proposal for a single additional residential property immediately adjacent to the chimney stack would be set back from the edge of the building and would be a subservient addition to the existing substantial structure. Nonetheless, it would alter the important roofline of the building which would be visible from some limited viewpoints at street level. However, in the future when current access restrictions in the locality are removed it is highly likely that the proposal would be visible from more places within the public realm.
9. The incorporation of the chimney within the proposed roof structure would reduce the prominence and significance of this original rooftop feature. This would in turn compromise the merit of the distinctive architectural style of the existing building and its important contribution to the character and appearance of the Conservation Area. The modern rooftop addition would obscure the important rooftop features and thereby erode the important contrast between the building and its evolving modern surroundings to the detriment of its historic integrity and important links to the past. Although the appellant contends that the proposal is modest and has been sensitively designed so as not to detract from the building's character I consider that it would detract from the key features of the roofscape and harm the overall legibility of the building.
10. The appellant argues that the significant development currently underway and the transformation of the area by higher density development close to Whitechapel Station under the adopted Whitechapel Vision Masterplan Supplementary Planning Document 2013 would result in the extension having minimal impact on the character and appearance of the Conservation Area. However, whilst the area is undeniably transforming at a significant rate this change should not be justification for permitting development which would be at the expense of distinctive historic buildings which contribute positively to the character and appearance of the Conservation Area.
11. I accept that planning policy clearly supports the creation of new dwellings and the maximisation of a site's potential, among other objectives and that there is scope in the development plan for Conservation Areas to accommodate new

forms of development that may be transformational, but in this particular case I do not consider the proposal to be appropriate in its current context.

12. Given the scale of the proposal within the context of the Conservation Area as a whole, I consider that it would cause less than substantial harm to its character and appearance. In accordance with paragraph 134 of the Framework, I must weigh the harm against the public benefits of the proposal.
13. The appellant submits that the creation of one dwelling would represent an overall benefit. There may also be some small economic and social benefits associated with construction activity. However, these do not, in my judgment, outweigh the harm that I have found.
14. For these reasons, I conclude that the proposal would neither preserve nor enhance the character or appearance of Whitechapel Market Conservation Area. As such it would conflict with the character, design and heritage provisions of Policies 7.6 and 7.8 of the London Plan, Policy SP10 of the Core Strategy 2025 Development Plan Document 2010, Policies DM24 and DM27 of the Managing Development Document 2013, the objectives of the Whitechapel Vision Masterplan Supplementary Planning Document 2013, Whitechapel Market Conservation Area Character Appraisal and Management Guidelines and the Framework. Among other things these seek to ensure that buildings should provide a high quality design response that allows structures to make a positive contribution to the character of a place, design should be sensitive to and enhance local character and the setting of development and should be appropriate to its context. Furthermore, Conservation Areas will be protected and enhanced, development within a heritage asset will only be approved where it does not result in an adverse effect on the character and identity of the asset or its setting and is appropriate in terms of its design and form, among other things.

Other matters

15. My attention has been drawn to a broad range of planning policies and guidance. However, other than those identified above the policies relate to matters such as residential amenity, access and car parking, where there is no conflict between the main parties in the determination of this appeal. The appellant has also drawn my attention to policies within the Draft Local Plan 2031 Regulation 18 Consultation 2016 which does not yet form part of the development plan. Therefore I have given it very limited weight in the determination of this appeal.
16. My attention has also been drawn to conflict between parties with reference to the use of the roof space as a communal amenity space. At the time of my site visit there was no evidence of use for outdoor purposes as amenity space. The appellant contends that there is no legal right for residents to use the area, whereas the Council has advised that the planning permission for the conversion of the building to residential use refers to there being a roof top terrace. However, I am dismissing this appeal for grounds relating to the character and appearance of the Conservation Area and therefore this issue is not one of significance in this case.

Conclusion

17. Therefore, for the reasons given above and taking into account other matters raised I conclude that the proposal conflicts with the development plan taken as a whole and that the appeal should be dismissed.

Alastair Phillips

INSPECTOR