The Planning Inspectorate

# 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: 19 May 2017**

**Appeal Ref: APP/E5900/W/16/3165681**
**35 Artillery Lane to 2 Steward Street, Artillery Lane, London E1 7LP**

- 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 Richards of Quantum Shipping Services Limited against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/16/02009, dated 14 July 2016, was refused by notice dated 8 September 2016.
- The development proposed is demolition of the existing 5th floor mansard roof and erection of 5th floor brick façade to existing commercial space. Erection of additional two storey residential maisonette apartment at 6th and 7th floor levels.

## Decision

1. The appeal is dismissed.

## Main Issues

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

## Reasons

3. The appeal site is an altered and extended former warehouse building situated at the corner of Steward Street and Artillery Lane. It is located within the Artillery Passage Conservation Area, but is not listed or identified in the Council's Conservation Area Appraisal 2007. The building is five storeys in height, including a modern mansard roof extension with a plant room above. It has a retail unit at ground floor with commercial offices above. There are three bays to the main elevation onto Steward Street and four narrower bays onto Artillery Lane. Above ground floor level there is robust brick work with full height pilasters with relatively small and simple capitals which support the red brick arches at the existing third floor level. The main elevations have a low parapet wall with a moulded cornice.

4. The existing relatively modern mansard roof has a basic design which with the roof top plant room and balustrade does not relate well to the building below. At ground floor level the building has a modern shop front. Immediately adjacent to the site is No 37 Artillery Lane which is a modern rendered infill building and to the north is a large modern five storey building with a two storey set back beyond the brick parapet.

5. The Conservation Area is focussed around Artillery Passage which is a narrow pedestrian route through to Bishopsgate and is lined with Victorian shops and

other buildings of similar appearance. There is a concentration of listed buildings along Artillery Passage and elsewhere in the Conservation Area in the vicinity of the site. The wider townscape is very varied having large commercial buildings, residential areas of inter-war and post-war housing estates with some groups of earlier housing and modern infills. The roofscape within the area is also varied with different heights, forms and materials which highlight the area's piecemeal development over time. This variety is very much part of the character of the area. In spite of the changes that have occurred in the area, according to the Conservation Area Appraisal the Conservation Area is *'a rare surviving fragment of an ordinary mixed-use residential district of the 17th, 18th and 19th century inner city.'*

6. Although the existing building has an existing mansard roof and associated plant room which are of poor design it does have some merit in terms of the Victorian architecture which makes a positive contribution to the character and appearance of the Conservation Area. 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 Artillery Passage Conservation Area within which the site is located.

7. The proposal is to replace the existing mansard roof with a brick façade extension and the addition of a part single storey and part two storey extension above. The brick façade would feature detailing to match the existing building, including piers aligned with the pilasters below. The extension above would have a very distinct design clad in copper with tall windows aligning with the window openings in the lower floors. This part of the proposal would be set in from the parapet of the brick extension below.

8. The scale of the proposed extension should be considered in relation to the host building and the fact that the proposal includes demolition of the existing mansard roof and plant room. Although a set back from the parapet is accommodated in the design of the additional sixth and seventh floors it would nonetheless be tall and disproportionate in relation to the scale of the building, below. The proposed roof ridge would be slightly higher than the adjacent building 3–6 Steward Street and there would be a set back and reduction in height towards the southern side of the site to generate a stepped down size in the built form towards No 37 Artillery Lane. However, rather than creating a legible and harmonious relationship with its surroundings, the height of the proposal would dominate No 37 and the awkward relationship between the two buildings would be emphasised by the proposal. The proposal would provide an inconsistent roof line which rather than introducing a harmonious rhythm in the streetscape, would lead to an incongruous building and generate an illogical pattern of development in the locality.

9. Although not specified in the reason for refusal the Council is also concerned with the effect of the proposal on views of Christ Church which is a nearby Grade I Listed Building. However, at my site visit I observed that the part of the church that is visible is only the top part of the spire and not the main body of the building. It is only a very limited and not an obvious view and therefore I do not consider the proposal to be harmful in terms of the setting of the Grade I Listed Building.

10. The appellant contends that the massing of the proposal has been informed by a comprehensive assessment of the site and its surroundings as set out in the Design and Access Statement, but I do not consider that the sixth and seventh floors are subservient to the main building below. Although they would be set back from the parapet they would create a dominant addition that would draw attention and detract from the quality of the original architecture below. The massing would be inappropriate in relation to the scale of the original building, would create a poor relationship with adjoining buildings and be insensitive to its setting.

11. Although I understand that the existing mansard roof appears as a visually awkward extension, its angled relationship with the remainder of the building reduces its prominence and clearly creates a distinction between the original building and the later addition. The fifth floor extension has a poor relationship with the existing cornicing and although the arrangement of windows on the extension attempts to relate to the rhythm and size of those on the lower floors their shape and in particular the openings on the sixth and seventh floors would be insensitive and incongruous to the remainder of the building. Therefore, the overall design detailing of the proposal fails to respond to the character and appearance of the existing building and its sensitive setting.

12. The mixed traditional and contemporary approach would create a poor quality extension that would not successfully contrast or harmonise with the host building, but result in a rather confused development which would be at odds with the host building, its surroundings and the Conservation Area. This is exacerbated by the choice of copper cladding which would conflict with the host building and its immediate surroundings.

13. Some important original features on the building such as the cornice between the fourth and fifth floors are retained. However, the design response to this and other key features such as the window openings is inappropriate. The appellant contends that the proposal would add to the story of the area's piecemeal development and the varied roofscape of the area. However, this should not provide scope for allowing modern development irrespective of design or quality. As a consequence of its height, massing and detailed design I consider that the proposal would be an unsympathetic addition, relate poorly to the host building and its immediate surroundings and fail to preserve or enhance the character or appearance of the Artillery Passage Conservation Area.

14. I recognise that many of the buildings in the Conservation Area have been replaced by modern buildings, including some in the same block as the appeal site. Furthermore, some of the buildings in the immediate vicinity of the appeal site have brick extensions above the existing cornice with additional floors above. However, whilst this may set a precedent for modern development in the locality I do not consider the current proposal to be sympathetic or appropriate in the context of its host building or its sensitive setting and in any case I have determined the current appeal on its own merits.

15. 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.

16. There may also be some small economic and social benefits associated with construction activity. Furthermore, the replacement of new high quality office floor space and the delivery of an additional residential property may also be of benefit. The replacement of the existing poor quality mansard roof extension would also be of some benefit. However, these do not, in my judgment, outweigh the harm that I have found.

17. For these reasons, I conclude that the proposal fails to preserve or enhance the character or appearance of the Artillery Passage Conservation Area and would be contrary to Policy SP10 of the Core Strategy 2015 Development Plan Document (2010), Policies DM24, DM26 and DM27 of the Managing Development Document (2013) and the National Planning Policy Framework. These seek to preserve or enhance the built heritage and historic environment by ensuring that the locally distinctive character and context of places is acknowledged, that development should be to the highest quality standards, incorporating the principles of good design and tall buildings should be of a height and scale that is proportionate to their location and be sensitive to the context of its surroundings, among other things.

**Conclusion**

18. 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