
Appeal Decision

Site visit made on 27 June 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 14 July 2017

Appeal Ref: APP/E5900/W/17/3172424

9 Elizabeth Close, London E14 6DW

- 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 Will Flowerday against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/03272, dated 13 November 2016, was refused by notice dated 19 January 2017.
 - The development proposed is the conversion of third floor (loft) into habitable floor space and the construction of a dormer window on the rear elevation and 3no roof lights on the front elevation.
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Decision

1. The appeal is dismissed.

Main Issues

2. Whether the proposed development would preserve or enhance the character or appearance of the Lansbury Conservation Area.

Reasons

3. The appeal site is part of a courtyard terrace built on three sides of a small, roughly square communal garden area, and comprises the first and second storeys and roof space of the building with access to a rear garden. The Close sits on Grundy Street, which provides the fourth, open side for the communal area. The site is currently used as a House in Multiple Occupation with four bedrooms.
4. The appeal site sits within the Lansbury Conservation Area (the Conservation Area). As such I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. The Conservation Area was designated in January 1997 and incorporates a number of listed buildings associated with the 1951 Festival of Britain.
5. The Conservation Area is an early example of the rebuilding of areas of London damaged or destroyed in the Second World War. There is a strong sense of uniformity in the residential buildings in the Conservation Area derived from the consistent use of stock bricks and purple-grey roof slate, although after nearly 70 years since development began inevitable changes have occurred.

Replacement windows are not all sympathetic to the buildings and some properties have been rendered. However, there remains a significant attraction in the uninterrupted roof lines of the buildings in the Close and the surrounding streets that should be preserved. This makes a notable contribution to the character and appearance of the Conservation Area in framing unobstructed views of many of the listed buildings in the vicinity.

6. The proposed development would entail the construction on the rear pitch of the roof of a dormer extension and the addition of three roof lights on the front pitch of the roof, which would both be visible from ground level on Grundy Street. None of the properties in the Close have rear dormer extensions or roof lights on the front pitch. The dormer roof and roof lights would be prominent features that would constitute striking and discordant elements on the terrace's relatively long and uninterrupted roof scape that would relate poorly to the form and nature of the block. As such they would harm the character and appearance of the Conservation Area.
7. I have had regard to other examples of roof dormer extensions and the addition of roof lights in the vicinity of the appeal site. The appellant identified six sites that have a rear dormer extension, roof lights, or both. The permission for development at 93 Ricardo Street is for roof lights only and does not permit the construction of a dormer. No 93 is part of a four-storey block and occupies part of the upper two floors. The pitched roof is surrounded by a parapet and is not visible from the street or other nearby properties and has little impact on the character and appearance of the Conservation Area. The design of the block is significantly different from the appeal site and is not comparable. Therefore I give little weight to the permission granted for the development at No 93.
8. Three of the remaining properties are 46 Market Way and Nos 4 and 7 Market Square and sit above the existing shops in those streets. In each case the dormers overlook Southill Street, which is a service road for the rear of the shops on Market Way and Market Square. Because of the height of the buildings and the proximity of the roof structure at Chrisp Street Market, the roof lights are not easily seen.
9. The remaining two properties are on Kerby Street, which also sit above shops fronting Market Way. Of these one has a prominent dormer extension in the middle of the block and the other is towards the end of the block. These dormers and roof lights do affect the character and appearance of the Conservation Area, but with the exception of No 93, they are some distance from the appeal site, which is not affected. Mindful of the impact on their surroundings, I see nothing in the other developments that leads me to consider that the impact of the scheme before me would be acceptable in this regard.
10. For the reasons set out above I conclude that the proposed development would have a negative impact on the Conservation Area that would lead to less than substantial harm. In accordance with paragraph 134 of the National Planning Policy Framework, I must weigh the harm against the public benefits of the proposed development.
11. The proposed development would provide additional housing capacity by the introduction of two further bedrooms in a house in multiple occupation, in an area of high cost and high demand. I attach significant weight to social and

economic benefits that would arise from the development. However, these do not outweigh the great weight that should be given to the conservation of a heritage asset and do not constitute the clear and convincing justification for the harm identified. As such, they do not outweigh the adverse effects I have found with the scheme.

12. I therefore conclude that the proposal would be contrary to Policies 7.4, 7.6 and 7.8 of The London Plan 2016, Policies SP10 and SP12 of the Tower Hamlets Core Strategy Development Plan Document 2010, and Policies DM24 and DM27 of the Tower Hamlets Managing Development Document Development Plan Document 2013, which together seek to ensure that developments preserve or enhance the character or appearance of heritage assets, including conservation areas, and respect the character and appearance of the area of which they will be part.

Conclusion

13. For the reasons given above, and taking into account all other matters, I conclude that the appeal should be dismissed.

Daniel Guiver

INSPECTOR