
Appeal Decisions

Site visit made on 1 November 2017

by R Barrett Bsc (Hons) MSc MRTPI IHBC DipTP MRTPI

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

Decision date: 8th December 2017

Appeal Ref: APP/E5900/W/17/3180615 (Appeal A)

7 All Saints Rectory, Newby Place, London E14 0EY

- 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 David Gregory of the London Diocesan Fund against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/03539, dated 2 December 2016, was refused by notice dated 13 April 2017.
 - The development proposed is 'erection of 5 terrace houses (4 x 2 bed and 1 x 4 bed) around landscaped courtyard'.
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Appeal Ref: APP/E5900/Y/17/3180613 (Appeal B)

7 All Saints Rectory, Newby Place, London E14 0EY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr David Gregory of the London Diocesan Fund against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/03541, dated 2 December 2016, was refused by notice dated 13 April 2017.
 - The works proposed are 'erection of 5 terrace houses (4 x 2 bed and 1 x 4 bed) around landscaped courtyard'.
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Decisions

1. Appeal A is allowed and planning permission is granted for erection of 5 terrace houses (4 x 2 bed and 1 x 4 bed) around landscaped courtyard, at 7 All Saints Rectory, Newby Place, London E14 0EY, in accordance with planning application Ref PA/16/03539, dated 2 December 2016, subject to the planning conditions set out in Annex A to my decisions.
2. Appeal B is allowed and listed building consent is granted for erection of 5 terrace houses (4 x 2 bed and 1 x 4 bed) around landscaped courtyard, at 7 All Saints Rectory, Newby Place, London E14 0EY, in accordance with listed building consent application Ref PA/16/03541, dated 2 December 2016, subject to the conditions set out in Annex B to my decisions.

Procedural Matter

3. Appeal A and Appeal B relate to the same site. Whilst I have considered each proposal on its own merits, given that they have much in common, and in the interests of brevity, I have dealt with them in one document.

Main Issues

4. Whether the appeal development and works would preserve the special architectural or historic interest of All Saints Rectory, a grade II listed building with particular regard to its setting, and whether they would preserve or enhance the character or appearance of the All Saints Conservation Area (ASCA).

Reasons

5. The appeal site includes All Saints Rectory, which is a large Victorian three storey plus basement detached villa. Its design and detailing is typical of its period, with upright proportions, brick elevations and stone dressings. It sits on one side of a large garden, behind a planted frontage enclosed from the street by a wall with railings and gates. The large garden and planting, although rather overgrown at the time of my site visit, significantly contributes to its spacious and green setting. Its setting, in turn, significantly contributes to the building's significance as a heritage asset.
6. The Rectory was commissioned to serve the white stone All Saints Church grade II* listed building opposite and was built in the same era. Set within large landscaped grounds, the two buildings, situated close to one another and on opposite sides of Newby Place, have a visual and functional link. Those links and the Rectory's generally subservient relationship to that church contribute to their group value as listed buildings.
7. The ASCA includes a mix of residential and commercial uses centred on All Saints Church and its Rectory. Their high quality design, functional and visual links and relationship to one another along with their spacious and green settings significantly contribute the character and appearance of the ASCA.
8. The proposed dwellings would sit along two edges of the garden in a courtyard configuration. They would be set back behind the front of the main house and would replace the existing modern garage block. Situated close to the rear boundary, the resultant block would be much lower than the main house, such that it would be appropriate in scale and read as subservient to it. There would be some separation distance between the main house and the nearest dwelling and as there would be space in front of them, generally they would preserve the spacious setting. As the proposed layout would include retention of many trees, including those along the frontage, along with a landscaped lawn in front of the proposed dwellings, it would generally retain its green setting. The design would include a loggia along the front façade, which would work to reduce the scale and massing of the proposed dwellings and contain the proposed courtyard garden. Incorporating design features such as columns, a mansard roof, horizontal 'banding' along the frontage and balconies, it would make reference to the design features of the listed buildings identified. With a limited palette of materials, including brick elevations, metal clad roof and stone loggia, it would successfully integrate a contemporary design into this historic setting. All in all, it would preserve the green and spacious setting of the host listed building. For this reason it would preserve its subservient relationship with All Saints Church and its functional and visual links.
9. As I have identified that it would preserve the setting of the host dwelling and group value of the two listed buildings identified, it would generally preserve the character and appearance of the ASCA.

10. I conclude, on the basis of the information before me, that the appeal proposals would preserve the special architectural or historic interest of All Saints Rectory, a grade II listed building, with particular regard to its setting and would preserve the character and appearance of the ASCA. For these reasons, the appeal applications would generally accord with Policy SP10 of the Tower Hamlets Core Strategy Development Plan Document 2025 (2010) and policies DM24 and DM27 of the Tower Hamlets Managing Development Document Development Plan Document (2013). Together, those policies aim to protect and enhance heritage assets, including statutory listed buildings and conservation areas, and aim for the highest standards of design. Other policies are before me but I have concluded against those most relevant to these appeals.

Planning Conditions

11. A list of suggested planning conditions is before me. I have agreed with the imposition of most of these subject to refinement to improve clarity and ensure consistency with national policy and guidance.¹ A list of planning conditions to be imposed is set out in Annex A and Annex B to my decisions.
12. Standard time and plans conditions are required to ensure clarity and certainty in the planning process. A condition to control external materials is necessary to ensure that the proposal blends into the ASCA and preserves the significance of the listed building. A construction method statement is necessary to protect the living conditions of nearby residents during construction and ensure the structural stability of the appeal property and its neighbours. A condition to ensure that any contamination is dealt with effectively is necessary in the interest of public health and well-being. Conditions to ensure that bats and birds are protected and biodiversity is enhanced are necessary to safeguard protected species and the ecology of the locality. As an up to date bat survey is required to protect that species, and the appellant's Preliminary Ecological Appraisal was carried out some time ago, the timescale suggested by the Council for the bat survey is appropriate in this instance. Details of cycle and refuse storage are required to ensure a high quality development. A car free development is necessary to promote walking, cycling and public transport, in this locality well served by public transport.
13. I have attached only those conditions to Appeal B that relate to the listed building consent hereby approved.

Conclusions

14. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be allowed, subject to the planning conditions set out in Annex A and Annex B to my decisions.

R Barrett

INSPECTOR

¹ Paragraphs 203 and 206 of the Framework and PPG paragraphs 21a-001-034

Annex A

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby approved shall be carried out in accordance with approved plans: 100 001; 100 100; 101 100; 101 101; 101 102; 102 100; 102 101; 103 100.
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant development shall be carried out in accordance with the approved sample details.
- 4) No development shall take place, including any works of demolition, until a Contaminated Land Scheme has been submitted to and approved in writing by the local planning authority.

Details of the scheme shall include:-

- A detailed 'desk study report';
- A proposal to undertake an intrusive investigation at the site based on the findings of the desk study;
- A detailed 'site investigation report' to investigate and identify potential contamination (including water pollution potential);
- Proposals for any necessary remedial works to contain treat or remove any contamination;
- A Monitoring Plan recording which areas of the site have been remediated.

The scheme and any identified remediation measures shall be implemented in full accordance within a timetable specified in the approved scheme.

- 5) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - v) wheel washing facilities;
 - vi) measures to control the emission of dust and dirt during construction;
 - vii) a scheme for recycling/disposing of waste resulting from demolition and construction works;
 - viii) all non-road mobile machinery, used in connection with the construction of the development hereby approved, (NRMM) must meet the minimum emission requirements set out in the Mayor of

London's Control of Dust and Emissions during Construction and Demolition, Supplementary Planning Guidance 2014.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

- 6) If demolition or tree works do not commence by the end of February 2018, a bat survey shall be undertaken by a licensed bat worker immediately prior to any demolition or tree works. The survey report shall be submitted to and approved in writing by the local planning authority prior to commencement of demolition and /or tree works.
- 7) All removal of trees, hedgerows, shrubs or tall herbaceous vegetation (vegetation works) shall be undertaken between September and February inclusive. If vegetation works are undertaken outside these times, a nesting bird survey shall be carried out by a suitably qualified ecologist immediately prior (within 5 days) to the vegetation works being undertaken. If any nesting birds are present, the vegetation around the nest shall not be removed until an ecologist confirms that the birds have finished nesting. The survey findings shall be submitted to and approved in writing by the local planning authority within 2 weeks of the vegetation works commencing.
- 8) Prior to the commencement of development, full details of biodiversity mitigation and enhancements shall be submitted to and approved in writing by the local planning authority. The biodiversity enhancements shall include but not be limited to the following:
 - i) biodiverse roofs following the best practice guidance published by Buglife – details provided should include the location and total area of biodiverse roofs, substrate depth and type, planting including any vegetated mat or blanket (though sedum mats should be avoided if possible) and any additional habitats to be provided such as piles of stones or logs;
 - ii) external lighting, both during construction and operation, to minimise illumination of the rectory building, mature trees (especially those where bat boxes are installed) and the boundaries of the site – details to show existing and proposed light levels across the site;
 - iii) landscaping to include a good diversity of nectar-rich plants to provide food for bumblebees and other pollinators for as much of the year as possible - details should include species list and planting plans;
 - iv) climbing plants, preferably night-scented species, on appropriate walls - details to include species and locations of climbers;
 - v) bat boxes and nest boxes for appropriate bird species and invertebrates, to include at least two bat boxes, two sparrow terraces and three other bird boxes – details should include number, locations and type of boxes.

The agreed measures shall be implemented in full prior to the occupation of the development hereby approved and retained as approved thereafter.

- 9) No development shall take place until details of secure cycle storage for the development hereby approved have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented as approved prior to the first occupation of the development and retained thereafter.

- 10) No development shall take place until details of refuse and recycling storage facilities to serve the development hereby approved have been submitted to and approved in writing by the local planning authority.

The agreed details shall be implemented as approved prior to the first occupation of the development and retained thereafter.

- 11) No development shall take place until arrangements shall have been made to secure the development as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the local planning authority. The approved scheme or agreement shall ensure that:

- no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the local planning authority (other than a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
- any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

Annex B

- 1) The works hereby permitted shall begin not later than three years from the date of this decision.
- 2) The works hereby approved shall be carried out in accordance with approved plans: 100 001; 100 100; 101 100; 101 101; 101 102; 102 100; 102 101; 103 100.
- 3) No works shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) No development shall take place until details of secure cycle storage for the development hereby approved have been submitted to and approved in writing by the local planning authority.

The scheme shall be implemented as approved prior to the first occupation of the development and retained thereafter.

- 5) No development shall take place until detail of the provision of refuse and recycling storage facilities to serve the development hereby approved have been submitted to and approved in writing by the local planning authority.

The storage facilities shall be implemented as approved prior to the first occupation of the development and retained thereafter.

---END OF CONDITIONS---