
Appeal Decisions

Site visit made on 9 January 2018

by Christa Masters MA (hons) MRTPI

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

Decision date: 25th January 2018

Appeal A : APP/E5900/W/17/3181962 **604a Commercial Road, London E14 7HS**

- 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 Daniel Curtin against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/17/00477, dated 20 February 2017, was refused by notice dated 30 May 2017.
 - The development proposed is to make an external basement watertight and to glaze the light well. This will involve minimal change to the exterior of the building with new glazing added beneath existing grate over light well. This will improve thermal insulation and reduce noise from A13 to lower ground floor internal spaces.
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Appeal B : APP/E5900/Y/17/3181968 **604a Commercial Road, London E14 7HS**

- 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 Daniel Curtin against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/17/00478, dated 20 February 2017, was refused by notice dated 30 May 2017.
 - The works proposed are to make an external basement watertight and to glaze the light well. This will involve minimal change to the exterior of the building with new glazing added beneath existing grate over light well. This will improve thermal insulation and reduce noise from A13 to lower ground floor internal spaces.
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Decision

1. **Appeal A:** The appeal is allowed and planning permission is granted to make an external basement watertight and to glaze the light well. This will involve minimal change to the exterior of the building with new glazing added beneath existing grate over light well. This will improve thermal insulation and reduce noise from A13 to lower ground floor internal spaces at 604a Commercial Road, London E14 7HS in accordance with the terms of the application, Ref PA/17/00477, dated 20 February 2017, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 200.00 P1, 500.00 P1, 400.00 P1, 500.01 P1, 300.01 P1, 100.00 P1, 300.02 P1.

2. **Appeal B:** The appeal is allowed and listed building consent is granted to make an external basement watertight and to glaze the light well. This will involve minimal change to the exterior of the building with new glazing added beneath existing grate over light well. This will improve thermal insulation and reduce noise from A13 to lower ground floor internal spaces at 604a Commercial Road, London E14 7HS in accordance with the terms of the application Ref PA/17/00478, dated 20 February 2017 subject to the following conditions:
- 1) The works hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The works hereby permitted shall be carried out in accordance with the following approved plans: 200.00 P1, 500.00 P1, 400.00 P1, 500.01 P1, 300.01 P1, 100.00 P1, 300.02 P1.

Main Issue

3. The main issue in relation to both appeals is the effect of the proposed development on the special architectural and historic interest of the Grade II listed building.

Reasons

4. The appeal property comprises a terraced property with basement which is a grade II listed property, located in a short terrace along the busy Commercial Road. The property frontage is set back from the public footpath and is separated by iron fencing. The surrounding area is primarily residential in character although there are a number of commercial uses also within the immediate vicinity. Although at basement level, the open light wells in this short terrace reflect an attitude to the design and use of the property, and as such mean that the light wells are of significance in understanding this heritage asset. This is recognised by the Council whose main concern is that the proposed glazing over and enclosure of the light well area would be harmful to the special interest of the listed building.
5. The proposal would see the existing iron grate over the existing light well maintained and raised marginally to match the height of the neighbouring property. A glazed roof light would be inserted below the grate in order to allow for the internalisation of the existing storage vault area which would allow the optimum use of this space.
6. Section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the buildings or their settings or any features of special architectural or historic interest which they possess.
7. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of proposals on the significance of a designated heritage asset, great weight should be given to that assets conservation. Significance can be harmed or lost through alteration or destruction of the heritage asset, or development within its setting.
8. The Council has raised specific concerns that the front basement should remain open as it presents an historically important open space. I acknowledge that the proposed glazing would subtly alter the character and appearance of the listed building. However, it would be viewed within the context of the existing

grate and existing basement accommodation. The light well would remain as a legible feature of the building and the material proposed would assist in achieving this.

9. On the basis of the evidence presented, I conclude that the proposed works would preserve the special architectural and historic interest of this Grade II listed building, causing no harm to the significance of the designated heritage asset. As a result, I find no conflict with policy DM27 of the Managing Development Document, policy 7.8 of the London Plan or the provisions of the Framework.

Conditions

10. A standard time limit condition is necessary and reasonable. It is also necessary that the works are carried out in accordance with the approved plans as this provides certainty. A further condition suggested by the Council states that damp proofing of the basement should be carried out using a dry lining/membrane system. However, I am not convinced that such a condition is either reasonable, necessary or within the scope of these appeals and accordingly, have not attached it.

Conclusion

11. For the reasons stated above, I conclude the appeals should be allowed.

Christa Masters

INSPECTOR