



Appeal Decision

Site visit made on 2 April 2019

by G Jenkinson BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/E5900/W/18/3218046

529 Roman Road, London, E3 5EL

- 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 and Mrs John and Lisa Gilroy against the decision by London Borough of Tower Hamlets.
 - The application Ref PA/18/02022, dated 7 August 2018, was refused by notice dated 25 October 2018.
 - The development proposed is second floor 1 bedroom (2 person) flat.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of an additional storey over existing building in association with the creation of 1 x 1 bedroom flat at 529 Roman Road, London, E3 5EL, in accordance with the application Ref: PA/18/02022, dated 7 August 2018 and the plans submitted with it, subject to the following conditions:
 1. The development hereby permitted shall begin not later than three years from the date of this decision.
 2. The development hereby permitted shall not be carried out other than in complete accordance with the approved plans: DWG: 622/2 A, DWG: 622/3 A, DWG: 622/4 A, DWG: 622/5 A.
 3. The materials to be used for the external surfaces of the development hereby permitted shall match those of the existing building. All new works and works of making good to the retained fabric shall be finished to match the adjacent work with regards to material, colour, texture and profile except where otherwise stated on the approved drawings.
 4. Details of the waste and recycling storage on the site shall be submitted to the council and approved in writing prior to first use and retained thereafter.
 5. No development shall take place until arrangements have been made to secure the development as 'car-free' in accordance with a detailed scheme or agreement, which has been approved in writing by the local planning authority. The approved scheme/agreement should ensure that all future occupiers of the approved development cannot apply for or obtain an on-street parking permit to park a vehicle on the public highway and shall be implemented prior to the occupation of the development hereby permitted and shall be so maintained unless otherwise agreed in writing by the Local Planning Authority.

Procedural Matters

2. The description of development in the banner heading above has been taken from the application form. The appeal form and the decision notice sets out a different description, as set out in my decision paragraph. This more accurately describes the proposal. The Council made its decision on this basis and so have I.

Main Issues

3. The main issues relating to this appeal are the character and appearance of the host building and the Roman Road Market Conservation Area and cycle parking provision.

Reasons

Character and Appearance

4. The appeal property consists of an end of terrace property comprising lower ground floor and two upper storeys. Part of the lower ground floor is in use as a Tattoo Shop (Use Class A1) with studio flats to the rear at lower ground and ground floor levels and a 2 x bedroom flat at first floor level. The site falls within the Roman Road Market Conservation Area (CA). Roman Road is a lively street with retail units at ground floor level and residential dwellings above.
5. The CA has a mixture of commercial and retail uses at ground floor level with residential premises up above. The appeal building forms part of a small terrace with an adjoining hotel. The buildings in the terrace are two storey from the frontage but three storeys at the rear. The terrace stands alone and there is a school to the rear. The CA accommodates a range of building styles including a number of well-designed, traditional 'London' buildings and is therefore of architectural and historical significance. It is my view that the terrace is of architectural merit. The proposed design of facing brickwork, with cornice and parapet details and painted timber sash windows together with the retention of the chimneystacks, which form a prominent feature to the side elevation, which makes a positive contribution to the character and appearance of the CA.
6. Although the predominant height of properties fronting Roman Road and within the Conservation Area is two or three storeys, I observed several properties including some on corner plots where the height of the buildings was four or even five storeys. In my view, these developments reflect the prominence of these corner locations and do not seem out of place, but rather add to the character of the mixed and varied streetscape.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The National Planning Policy Framework (the Framework) advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be

harmed or lost through alteration or destruction of the heritage asset or development within its setting.

8. Planning Practice Guidance (PPG) confirms that what matters in assessing if a proposal causes substantial harm is the impact on the significance of the heritage asset, and that, in general terms, substantial harm is a high test and may not arise in many cases. Works that are moderate or minor in scale are likely to cause less than substantial harm or no harm at all. However, even minor works have the potential to cause substantial harm I therefore attach great weight to the Conservation Area setting.
9. The proposal seeks the erection of a roof extension to create an additional storey to the building to provide a 1 bedroom, 2 person flat.
10. The Framework aims to make effective use of land. The Framework at Paragraph 118 (e) supports opportunities to use the airspace above existing residential and commercial premises for new homes. It supports upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene. I find that this would be the case here.
11. The Council are concerned about the loss of the butterfly roof, however, the roof is not a visible feature of the streetscene and is only viewed from the rear from the school playground. I therefore conclude that the loss of this concealed butterfly roof would not result in harm to the Conservation Area.
12. In conclusion the proposal would not appear out of place within the CA and would enhance the variety and colour of the character and appearance of Roman Road. The increased height of this corner plot would act as a 'book end' to the terrace as at a number of other locations along the road.
13. The proposed extension by way of its design, height, location and loss of existing butterfly/London Roof would therefore not be harmful to the historical and architectural character of the host building and the significance of the Roman Road CA. As such it would preserve the character and appearance of the CA. The proposal is therefore not contrary to principles of the Framework, policies 7.4, 7.6 and 7.8 of the London Plan, policies SP10 and SP12 of the Core Strategy (2010) and policy DM24 and DM27 of the Managing Development Document (2013).

Cycle Parking Provision

14. The council claim that the development fails to provide a sufficient number of cycle parking spaces. However, I accept the appellant's argument that the previously approved lockable cycle store will support up to three bicycles and the lower ground floor flat provides ample internal storage. Furthermore, I also note that a TfL bicycle docking station exists approximately 100 yards away from the appeal site, which could be used by future occupiers of the property.
15. I am therefore satisfied that there is adequate cycle parking/facilities within the vicinity of the site and given the highly accessible location the proposals are not contrary to policy DM22 of the Managing Development Document (2013) and Policy 6.13 of the London Plan.

Other Matters

16. The Council have drawn my attention to a previous appeal that relates to the site whereby the Inspector dismissed proposals for an extension (Appeal Ref: APP/E5900/A009/2115674), however this decision pre-dated the current Development Plan and the Framework and therefore I have given this little weight in the determination of this appeal.

Conditions

17. I have had regard to the advice in the Planning Practice Guidance when considered the conditions suggested by the Council and amended these accordingly. I have included the standard time limit condition and a condition that requires the development to accord with the approved plans in the interest of clarity and proper planning.
18. The condition relating to the materials is necessary to preserve the character and appearance of the surrounding area and the host dwelling.
19. The condition relating to waste and recycling storage is necessary to protect the environment and provide suitable storage for waste and materials for recycling in accordance with the Development Plan.
20. I have also attached a condition to ensure this will be a car-free scheme, to promote sustainable transport by reducing the need for car travel, and to reduce pressure for on-street car-parking in accordance with the requirements of policy SP09(4) of the Tower Hamlets Core Strategy 2010.

Conclusions

21. For the above reasons, I conclude that the appeal should be allowed.

Gemma Jenkinson

INSPECTOR