



Appeal Decision

Site visit made on 13 August 2019

by Laura Renaudon LLM LARTPI Solicitor

an Inspector appointed by the Secretary of State

Decision date: 5th September 2019

Appeal Ref: APP/E5900/W/19/3229576

2 Rose Court, Wentworth Street, London E1 7TR

- 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 James Glaro against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/18/00911, dated 4 April 2018, was refused by notice dated 28 November 2018.
 - The development proposed was originally described as the erection of loft floor and mansard roof and alterations to the building facades.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development originally given by the appellant referred to a 'loft floor and mansard roof'. The press notice published by the Council described it as 'erection of two storey extension to roof of building along with alterations to facades of existing building', thus removing any express reference to a mansard roof. The Council's decision notice refusing planning permission referred simply to an 'extension to roof of building along with alterations to facades of existing building', the decision having been made in relation to plans that were then 'Revision D'.
3. At the time of the public consultation exercise, the plans submitted for consideration did show a mansard roof, although the original plans show a rather taller building than the one that would result from plans Revision D. During the course of the appeal, the appellant has submitted further plans ('Revision E') that show an increase to the height of the existing building façades, with changes to the fenestrations, and a flat roofed extension above, set in from the sides of the building and with mostly open glazing to the sides. The Revision E proposal results in a rather less conspicuous proposal than the earlier iterations, but it also results in a proposal that is different in kind as well as in scale.
4. The Council's Officer's Report ('OR') on the application reports that no public consultation responses were received to the application's publicity. Revision E to the plans broadly accords with the description of the development as set out in the Council's press notice (being 'a two storey extension to roof of building along with alterations to façades of existing building'). However, the design of the proposed roof extension has changed to the extent that I cannot be

satisfied that the interests of third parties would not be prejudiced by my consideration of Revision E.

5. The Procedural Guide to Planning Appeals in England advises that if an applicant thinks that amending their application proposals will overcome the local planning authority's reasons for refusal, they should normally make a fresh planning application. If an appeal is made, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought. Although in this case the description of the development, as publicised, does not need to change to accommodate Revision E, the plans are in substance very different from the mansard roof proposed at earlier stages and upon which the Council made their decision. Accordingly, irrespective of the merits of Revision E (or of the subsequently provided Revision F, in response to my enquiry as to the number of storeys in the proposed resulting building), I do not accept those plans for consideration, and have determined the appeal on the basis of the Revision D plans upon which the Council made their decision.

Main Issue

6. The building lies in the Wentworth Street Conservation Area ('the CA') and the main issue in the appeal is the effect of the proposed development on the character and appearance of the CA, and whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

7. The Wentworth Street Conservation Area lies generally between Commercial Street and Middlesex Street near the Aldgate, south of the well-known Christ Church and Market at Spitalfields. The Petticoat Lane Market has survived as a defining characteristic of Wentworth Street. The Council's CA Appraisal document describes the buildings in the CA as varying greatly throughout the CA but most contributing to the general low-rise, mixed use, fine grain character. Buildings are predominantly 3-4 storeys to the western end of the CA, rising to 4-5 storeys along Commercial Street. There are few long views in the area but the changing short views in the streets around the market are valuable, allowing the fine grain architecture to be appreciated.
8. 2 Rose Court lies to the rear of a building (or rather, what appears from the frontage to be 2 attached buildings) on Wentworth Street that is numbered 75-79. The appeal property can presently be viewed at close quarters from a number of vantage points. Its eastern façade can be viewed from Rose Court, a small alley between No 79 and the rear of No 43 Commercial Street. Its western façade can be seen from Ann's Place, another narrow alley between Nos 73 and 75 Wentworth Street. Its northern façade is partly visible from the service yard to the side of a restaurant on Toynbee Street. Longer views from the north are presently available from Toynbee Street in the vicinity of the 'Curo' development currently taking place in that area.
9. The building is not especially conspicuous from public vantage points, and presently appears as a subservient building to those that surround it on the main street frontages. In particular it appears subsidiary to Nos 75 – 79 Wentworth Street, to which it is attached. Its façades and ridge lines presently sit substantially below those at Nos 75-79. The building is presently in a

considerably dilapidated state. I saw a number of broken window panes, vegetation growing in the sides of the building, and peeling paintwork within.

10. The appeal proposal consists of enlarging the building upwards with the intention of bringing it into a commercial office use. The existing façades would be raised, with changes to the fenestration, which would create more internal floor area, and a mansard roof would extend across the width of the building almost to the parapets. The roof would sit slightly but perceptibly above that of the frontage neighbour at Nos 75 – 79.
11. The changes to the fenestration would remove the existing external breaks between the ground and upper floor, and replace these and their existing windows with full height windows externally that would enable internal works to increase the number of storeys. The present pattern of several reasonably small glazing panes in each of the windows would be replaced by large panes of glass. The mansard roof would sit above with further large glazing panes aligned with the windows below.
12. Although I do not consider that removing the bricked 'breaks' between the floors and increasing the overall size of the openings would necessarily be harmful to the building or the Conservation Area in which it lies, the replacement of the current intricate glazing pattern with large swathes of glass would result in a building of a much modernised appearance that would be rather unsympathetic to the historic fabric of the area. I concur with the Council that the resulting fenestration would cause harm to the Conservation Area.
13. I also agree that the proposed mansard roof would rather overwhelm the frontage building at No 75 – 79. The appeal building is presently perceived as a subsidiary building, visible from but not fronting onto any main thoroughfare in the area. The proposed roof would increase the building's visibility, and its height would adversely affect the perception of it as a subservient property.
14. For these reasons I agree with the Council that 'less than substantial harm' to the Conservation Area would arise as a result of the proposal, the design of which would not adequately protect local character. Conflict with policies 7.4 and 7.8 of the consolidated London Plan (2016), policy SP10 of the Council's Core Strategy (2010), and policies DM24 and DM27 of the Council's Managing Development Document (2013) would result.

Other matters

15. Two particular matters are raised. The first is the granting of previous planning permissions in 2002 to alter the roof form of the building. It appears that these permissions have expired without implementation, and the Council points out that the policy context has changed in the intervening period. Although these previous permissions may nevertheless be relevant, the details of what was permitted have not been provided to me, and accordingly I am unable to attribute more than limited weight to this aspect of the site's planning history.
16. The second matter is that the appeal proposals would result in a building intended for a commercial office use, thus providing employment space in the area. However, no evidence has been produced to suggest that the building could not be returned to a viable state, suitable for such a use, without its upward expansion.

Conclusion

17. Therefore, having regard to these and all other matters raised in the appeal, I am unable to conclude that sufficient public benefits would arise that might justify the harm to the Conservation Area that I have found would result from the proposal. The proposal would result in harm to the Conservation Area and would not comply with the development plan for the area. Accordingly, the appeal is dismissed.

Laura Renaudon

INSPECTOR