



Appeal Decision

Site visit made on 16 July 2019

by Jan Hebblethwaite MA Solicitor (non-practising)

an Inspector appointed by the Secretary of State

Decision date: 11 September 2019

Appeal Ref: APP/E5900/W/19/3227882

Pier Tavern, 299 Manchester Road, London E14 3HN

- 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 Matthew Bonner (JCS Developments Ltd) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/18/03469 dated 5 December 2018, was refused by notice dated 19 March 2019.
 - The development proposed is remodelling of existing public house (Class A4) and construction of new 4-storey extension and roof extension to provide nine self-contained dwellings (Class C3).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At paragraph 1.3 of the Council's appeal statement, it is stated that the appellant had not submitted a statement of case. However, the appeal documents include a planning appeal statement on behalf of the appellant dated 1 May 2019.
3. Although the decision notice refers to Policy DM4 of the London Borough of Tower Hamlets Managing Development Document 2013 (MDD), it is Policy DM3 which requires that development should provide a balance of housing types. The appellant deals with that policy in paragraph 4.6 of his statement and as a result I do not consider that there is a disadvantage to either party by the consideration of Policy DM3 in this decision.

Main Issues

4. The main issues in this appeal are:
 - whether the proposed development would achieve an acceptable mix of housing by reference to unit size; and
 - the effect of the development on the character and appearance of the existing building.

Reasons

Housing mix

5. There are some inconsistencies in the appeal documentation regarding whether the proposed housing mix matches that of a previous extant permitted development. However, the Council has confirmed that the approved scheme has a residential unit mix of 44% 1 bed/studio units; 22% 2 bed units and 33% 3 bed units. Importantly, the appellant has confirmed that the mix for the appeal scheme is as set out by the Council and I have satisfied myself by reference to the plans that the residential unit mix for the appeal scheme is not the same as the approved scheme.
6. Policy DM3(7) of the MDD requires that development should provide a balance of housing types in accordance with the breakdown of unit types set out in the most up-to-date housing needs assessment. Table 1 in Policy DM3(7) of the MDD sets out the requirement in percentage form. With nine units, the appeal scheme is not within the limits required to provide affordable, social or intermediate housing, so the breakdown for market housing applies. The Table shows that the required mix is 50% 1 bed units; 30% 2 bed units and 20% 3+ bed units.
7. The appeal scheme has less than half of the required percentage in respect of 1 bed units. Although the appellant argues at paragraph 5.7 of the statement that "there continues to be a strong desire to see the provision of larger units within the borough...", I have been given no evidence in support of that assertion. Nor have I been given evidence of the conclusion in paragraph 5.7 that "the Council has achieved a significant supply of one bed units" from other developments towards the Core Strategy targets. The provision of larger units in the appeal scheme may create "family accommodation", but the policies require a larger proportion of smaller units. Whilst a small site may not achieve the exact percentages required by the policy, the appeal scheme would provide less than half of the required percentage as set out in the policy.
8. Whilst some amenity space would be provided by the appeal scheme, as compared to the approved scheme which has none, I consider that the amenity space would not outweigh the policy requirement for a larger percentage of smaller units.
9. I conclude that the appeal scheme does not comply with Policy DM3(7) of the MMD which seeks to ensure that development provides a balance of housing and unit types, by reason of the under-provision of smaller units.

Character and appearance

10. The appeal property was built as a late 19th century public house, being part of the Victorian development known as Cubitt Town. At the time of my site visit the premises were vacant and the facades fronting Manchester Road and Pier Street were covered in scaffolding and sheeting. Some works have been carried out to the rear of the building. The immediately neighbouring properties are residential blocks which appear to be of mid to late 20th century construction and all of which are noticeably higher than the appeal property as it currently appears.
11. The appeal property is not a statutorily or locally listed building, but nevertheless has a distinctive character which is enhanced by the style of large-scale redevelopment around it. The Council recognises that certain aspects of the development are considered acceptable, such as the retention of

the façade and the rear extension. From my own assessment, I am also satisfied that these elements are acceptable.

12. Turning to the proposed the roof extension, the appeal property sits on the junction of two streets and is set directly onto the pavement on both facades. As the neighbouring properties are set back from the pavements, some with landscaping, the appeal property is very prominent in the street scene. Although the roof extension is set back from the Manchester Street façade, it would have a modern design and fenestration which would contrast with the Victorian parapet. There is far less set back from the Pier Street façade and the full height windows with aluminium framed glazing would be visible from both roads.
13. Whilst the extension to the rear is modern in design, it respects the height of the original Victorian building which the roof extension does not. The roof extension would introduce a box-like structure above the parapet with the full height windows sitting awkwardly with the shape and size of the original windows on the first and second floors. I accept that the surrounding buildings are larger, taller and are architecturally different to the appeal building, but in terms of the effect of the roof extension on the host building, I consider that it would result in an incongruous development that would be harmful to the character and appearance of the host building and its place in the street scene.
14. As a result, I conclude that the proposal is contrary to Policy DM24 of the MDD, paragraph 7.4 of the London Plan and Core Strategy Policy SP10 which seek, amongst other things, to ensure that new development is well-designed and respects the character of the local area and existing buildings. I have taken into account the Draft London Plan which has been the subject of an examination and for which the Panel's report is expected shortly. Nothing in the draft plan alters the thrust of paragraph 7.4 of the adopted plan.

Conclusion

15. For the reasons given above and having regard to the development plan when read as a whole, the appeal is dismissed.

Jan Hebblethwaite

INSPECTOR