



Appeal Decision

Site visit made on 21 October 2019

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 November 2019

Appeal Ref: APP/E5900/D/19/3234205

1 Spindrift Avenue, London E14 9US

- 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 Maynard against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/00454, dated 27 February 2019, was refused by notice dated 9 May 2019.
 - The development proposed is a double storey side extension and a single storey rear extension.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's Grounds for Appeal statement appends a revised elevation drawing Ref. 1121-PL-110, which is said to supersede drawing Ref. SA-R01-PR-100; and a new elevation drawing Ref. 1121-PL-111.
3. The Planning Inspectorate has separately advised the appellant that such revisions fall outside the scope of Householder Appeals such as this one. Consequently, I have determined this appeal on the basis of the drawings that were before the Council when it refused planning permission.

Main Issues

4. The main issues are the effect of the proposal on:
 - the character and appearance of the Chapel House Conservation Area (CHCA)
 - the living conditions of nearby occupiers with particular regard to outlook and natural light.

Reasons

Character and Appearance

5. The appeal building is located within the CHCA, which contains traditional, pitched-roofed, brick houses, generally in short, garden-fronted terraces, arranged as an estate. There are some areas of open land and a considerable number of mature trees planted within the broad footpaths and in gardens within the estate.

6. The appeal building forms the southern end of a short terrace of six houses on the edge of the CHCA, near to the junction of Spindrift Avenue and East Ferry Road. There is a similarly designed terrace of four houses on East Ferry Road to the south, also within the CHCA. The northernmost dwelling of this terrace, No 160 East Ferry Road, has a single-storey side extension, which extends around half the distance to the boundary with 1 Spindrift Avenue.
7. Whilst both terraces have been altered somewhat over time, these are relatively minor changes and both terraces still have quite uniform and traditional appearances. In views from East Ferry Road and Spindrift Avenue, these two terraces, and another similarly scaled and designed one to the north, are readily visible within the streetscene.
8. The CHCA is a designated heritage asset and in my view, its significance is derived from the traditional design and spacing of the buildings within a maturely landscaped, predominantly residential area. As part of an attractive terrace of houses with a generally uniform and symmetrical appearance, and visually distinct from the next door terraces, the appeal property currently makes a positive contribution to the character and appearance of the CHCA.
9. The proposed development would extend the terrace towards the boundary with No 160 at ground floor, first floor and roof level. The side wall would be some 1.0 metres from the boundary and the eaves overhang considerably closer, although the ridge height and hipped design of the roof would be maintained.
10. The existing front doorway would be replaced by a new window of a similar size, design and position to the existing ones which would be retained. A new doorway would be created in the extended part of the front elevation (with the existing front door re-used) with a similar window to the existing ones inserted above at first floor level.
11. The height and massing of the proposed side extension, with additional windows to the front, would unbalance the general symmetry of the appeal terrace and reduce the spacing between it and the terrace to the south. This would be particularly noticeable and incongruous at first floor and roof level, where a substantial gap exists affording views through to the west. This would detract from the character and appearance of the terrace and the CHCA.
12. To the rear, the proposed single storey extension and new first floor windows and rooflights would not be readily visible from publicly accessible land but would be visible from nearby dwellings and gardens.
13. The rear extension is physically connected to the 2-storey side extension and its scale and modern design would make it a visually prominent and unsympathetic feature on the appeal building, that would detract from the character and appearance of the CHCA. Whilst the new and differently positioned modern windows at upper floor level on the rear elevation would relate to the proposed rear extension, they would be out of keeping with the traditional design of the appeal building and terrace to the detriment of the character and appearance of the CHCA.

14. From the submitted information it is not clear whether the proposed rooflights on the rear roofslope would be permitted development¹. In the absence of any compelling evidence to the contrary, I have considered them as requiring planning permission as part of the appeal development. The size, design and position of the proposed rear rooflights would be incongruous on the roofslope and would detract from its traditional character and appearance and that of the CHCA.
15. The appellant has drawn my attention to a number of other properties within the CHCA², which I observed from the street during my site visit. I am not fully familiar with these properties. However, from my observations it is clear that there are some significant differences between them and the appeal property / No 160.
16. The limited separation distance between the side walls of the two pairs of properties referred to does not mean that a reduced separation distance between 1 Spindrift Avenue and 160 East Ferry Road would be appropriate. It is the erosion of the existing space between the terraces, as a result of the appeal development, that would detract from the character and appearance of the CHCA in this regard.
17. The 2-storey rear extension at 42 Chapel House Street does not reduce the spacing between No 42 and its next door neighbour No 40 and so is not directly comparable to the circumstances of the appeal in this regard. Furthermore, from the street, only a very limited assessment of the visual impact of the extension is possible.
18. In any event, each proposal should be considered on its individual merits, which is what I have done in this case.
19. In my view, the proposed development would fail to preserve or enhance the character or appearance of the CHCA and would thus harm its significance. It would result in less than substantial harm to the character and appearance of the CHCA. With regard to paragraph 196 of the National Planning Policy Framework 2019 (the Framework), the appellant has not drawn my attention to any public benefits that would outweigh this harm.
20. For these reasons the proposed development would adversely affect the character and appearance of the CHCA and would therefore conflict with Policies 7.4 (local character), 7.6 (architecture) and 7.8 (heritage assets) of the London Plan March 2016³ (LP), SP10 (distinct and durable places) and SP12 (delivering placemaking) of the Tower Hamlets Core Strategy adopted September 2010 (THCS) and DM24 (place sensitive design) and DM27 (heritage and the historic environment) of the Tower Hamlets Managing Development Document adopted April 2013 (THMDD) and with the Framework, in this regard.

Living Conditions

21. The proposed 2-storey side extension / 1-storey rear extension would be some 1.0metres from the boundary with 160 East Ferry Road. An existing single-

¹ Class C, Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development)(England) Order 2015 as amended (the GPDO).

² Nos 7 and 9 Macquarie Way and Nos 35 and 37 Chapel House Street (separation distances) and 42 Chapel House Street (2-storey rear extension).

³ The Spatial Development Strategy for London consolidated with alterations since 2011.

- storey side extension, part of No 160, is positioned a similar distance to the property boundary which is marked by a solid timber panel fence some 1.7metres high. There is a side window in the existing extension at ground floor level and a window at first floor level in the main building facing towards No 1.
22. The outlook from the ground floor window is already constrained by the boundary fence, and the proposed extension would not significantly worsen this. Whilst the outlook from the upper floor window would be somewhat reduced by the proposed 2-storey extension it would not be significantly so, given its height, position and the separation distance between the dwellings.
23. Furthermore, the position of the proposed side extension to the north of No 160 means that it would be unlikely to significantly reduce natural light to its side windows.
24. The proposed rear extension would be some 2.85metres in height and would project beyond the rear elevation of the terrace by some 3.5metres. It would extend to a solid timber boundary fence by 3 Spindrift Avenue of a similar size to that by No 160. The rear elevation of No 3 contains a doorway and window at ground floor level and the height, projection and position of the proposed rear extension would reduce the outlook from there somewhat. It would have a similar effect with regard to natural light. However, outlook and natural light are already constrained by the boundary fence and the height and position of the single storey rear extension would not significantly worsen this.
25. I am also mindful of permitted development rights under Class A, Part 1, Schedule 2 of the GPDO. The proposed rear extension is too large to be permitted development. However, a single storey rear extension of 3.0metres in height that projects 3.0 metres from the rear elevation and next to the boundary with No 3 would be permitted development⁴. The impact of the proposed rear extension in comparison to a rear extension that would be permitted development would not be significant, with regard to outlook or natural light at No 3.
26. For these reasons the proposed development would have an acceptable impact upon the living conditions of nearby occupiers, with particular regard to outlook and natural light. It would therefore accord with Policies SP10 of the THCS and DM25 (amenity) of the THMDD, in this regard.

Conclusion

27. Whilst the proposed development would have an acceptable impact upon the living conditions of nearby occupiers, this would be outweighed by the harm to the character and appearance of the CHCA, a designated heritage asset the conservation of which should be given great weight⁵.
28. For the reasons given above, and taking into account all matters raised, I conclude that the appeal is dismissed.

Andrew Parkin

INSPECTOR

⁴ Subject to further restrictions contained in the GPDO, including in terms of width.

⁵ Paragraph 193 of the Framework.