
Appeal Decision

Site visit made on 11 February 2020 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 March 2020

Appeal Ref: APP/E5900/D/19/3240529

14 Macquarie Way, London, E14 3AU

- 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 Webb against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/01281, dated 13 June 2019, was refused by notice dated 13 August 2019.
 - The development proposed is 2 storey side and single storey rear extensions to existing property with 2 rooflights to rear roofscape.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issues

3. The main issues are:
 - The effect of the development on the character and appearance of the host dwelling and, linked to that, whether the development would preserve or enhance the character or appearance of the Chapel House Conservation Area; and
 - The effect of the development on the living conditions of the occupiers of No.12 Macquarie Way with regards to visual impact and overshadowing.

Reasons

Character and appearance of host dwelling and Conservation Area

4. The appeal site is an end-terrace, two-storey dwelling of stock brick construction with timber sash windows. There is a garden to the rear with access from the side and a garden to the front. The proposal includes the erection of a single-storey rear extension, two-storey side extension, rooflights to the rear and a replacement front door. The Council's reason for refusal relates to the two-storey side extension only and I have therefore dealt with the appeal on that basis.

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 131, it sets out matters which should be taken into account including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
6. The Chapel House Conservation Area Appraisal (CAA) indicates that the area is characterised by its 'Garden City' style of residential development and highlights the importance of the original uniformity in scale and layout. Each small group of cottages is presented as a separate block and the uniform rooflines amongst groups contributes positively to the character of the Conservation Area. The CAA sets out clearly that the space around blocks is fundamental to the legibility of the layout and is part of what makes the area a 'Garden City' style of development.
7. The ridge and front elevation of the proposed extension would be flush with those existing elements of the host property. However, while this would retain a sense of uniformity in the context of rooflines in the street scene, it would visually unbalance the symmetry of the terrace and moreover, would erode the gap between No.12 and the appeal property. As such the proposal would have a harmful effect on the originally planned layout of the estate and thereby the significance of the heritage asset.
8. I note the contention that the appeal terrace is already unbalanced given there is a single-storey side extension at the other side at No.20, but this is much smaller in scale at single-storey level. This also preserves the gap between two properties at first floor level. I further note the contention that the existing fence already blocks views of the rear gardens from the street. However, the fence is of limited height and the original spatial arrangement of buildings is still evident. I acknowledge the appellant's point that a small gap would be retained between the two properties even if the adjacent building was also extended. However, the space between buildings would be considerably reduced, and the significance of this characteristic feature of the area would be eroded.
9. I note the examples given of other extensions on the street at No.3 and No.9. I did see both on the site visit. However, the extension at No.9 evidently predates the designation of the Conservation Area having been approved in 1985 while No.3 predates the Framework and the adopted Development Plan by some time. Regardless, these developments do not define the character of the Conservation Area. Further reference is made to other examples at Thermopylae Gate, Chapel House Street and East Ferry Road. However, given the importance of gaps to the layout and character of the area these developments are not necessarily good examples of follow and do not justify the proposal before me.
10. Furthermore, while I have no details as to whether the windows to the front elevation are original, they are timber framed and their replacement with uPVC framed alternatives would cause further harm to the streetscene. The appellant has made reference to other houses in the streetscene installing uPVC

windows. However, no details have been provided as to whether these examples have been lawfully carried out or permitted. I am therefore unable to attribute weight to these examples. Notwithstanding this, my assessment of the appeal proposal is based on my observations during my site visit and on its own merits.

11. For the reasons as set out above the proposal would neither preserve nor enhance the character or appearance of the Conservation Area. As such, it would be contrary to the requirements of Section 72(1) of the Act.
12. In terms of the Framework, the harm caused would be less than substantial. The approach in paragraph 196 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
13. There are no public benefits forwarded by the appellant which would weigh in favour of the proposal. As such, I have nothing to indicate that benefits of the proposal would outweigh the harm I have identified; harm which, given the requirements of the Act and guidance in Paragraph 193 of the Framework, carries great weight.
14. In conclusion, the proposal would conflict with Policies DM24 and DM27 of the Tower Hamlets Managing Development Document (MDD), SP10 of the Tower Hamlets Core Strategy (CS) and the aims of the Framework. Collectively, these seek to ensure there would be no adverse effect on the character and appearance of heritage assets.

Living conditions of the occupiers of No.12 Macquarie Way

15. The extension would project to within one metre of the shared boundary between No's 12 and 14. As requested by the Council, I viewed the appeal site from No.12 to assess potential impacts relating to outlook and/or overshadowing. I noted that access to both the front and rear of No.12 is to the side of the property, with the two doors separated by a fence. There is also a window to the first floor facing the appeal site.
16. The proposal would extend the bulk and massing of the existing side elevation of the appeal property to within much closer proximity of the shared boundary. Accordingly, it would appear dominant when viewed from the front door, and first floor window, of No.12. The resultant development would therefore be oppressive and create an enclosing effect when viewed from the side of the property. In addition, the closing of the gap between the two properties would create a sense of enclosure when viewed from the rear garden.
17. I have taken into consideration the Council's concern relating to potential overshadowing. However, overshadowing is already evident to the side of No.12. due to the orientation of the two properties in relation to the path of the sun. There is no evidence before me to demonstrate that this would be exacerbated by the proposed side extension at No.14.
18. Notwithstanding that, I conclude on this second main issue that the proposal would have an adverse impact on the living conditions of the adjoining residents, with particular regard to its visual impact, for the above reasons. As such the proposal would conflict with Policies DM25 of the MDD, SP10 of the CS and the aims of the Framework. Collectively, these seek to ensure development

should protect and, where possible, improve the amenity of surrounding existing and future residents and building occupants by not causing an unacceptable increase in the sense of enclosure.

Conclusion and recommendation

14. For the reasons given above and having had regard to all other matters raised, I therefore recommend that the appeal is dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, the appeal is dismissed.

S Ashworth

INSPECTOR