



Appeal Decision

Site visit made on 24 December 2019 by Ifeanyi Chukwujekwu BSc MSc MIEMA
CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 May 2020

Appeal Ref: APP/E5900/D/19/3238768

13 Rampart Street, London, E1 2LA

- 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 B Hawkins against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/01115, dated 27 May 2019, was refused by notice dated 29 July 2019.
 - The development proposed is installation of privacy screening and balustrade in connection with use of roof as a terrace.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of privacy screening and balustrade at 13 Rampart Street, London E1 2LA, in accordance with the terms of the application PA/19/01115 dated 27 May 2019 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 be carried out in accordance with the approved plans numbered: Drawing No. 2187-P01A & Drawing No. 2187-P02A.

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 Issue

3. The appeal site is located within the Myrdle Street Conservation Area (the 'CA'). The main issue is whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons for the Recommendation

4. No. 13 is a three storey 19th century terraced property which forms part of a block of terraced properties (nos. 9 to 15) located on Rampart Street. The surrounding area is essentially residential, but also supports a variety of retail, commercial and educational uses. The bulk of the CA is located to the north of Commercial Road, the A13, and was mainly developed in the late 18th and 19th

centuries predominantly for rented housing with a variety in scale from mansion blocks to smaller terraced housing.

5. There is an absence of open space within the CA and the majority of buildings are set hard up to the edge of the pavement or with very small front gardens, providing the CA with its characteristic hard-urban landscape. Long views along major streets and local views down side streets highlight the uniformity of the streetscapes of terraces. The majority of terraces incorporate roofs hidden behind parapets and the CA Appraisal and Management Guidelines (2007) (the CA Appraisal) notes that mansard roofs are not common.
6. The part of the CA to the south of the A13, has a slightly different character, particularly in the immediate vicinity of the site, due to the presence of a number of warehouse buildings, the majority of which have now been converted to residential use. Nonetheless, the characteristic hard urban edge continues with buildings constructed hard up to the back of the pavement resulting in a strong vertical emphasis.
7. The appeal site forms part of a block bound by Rampart Street, Barnett Street, Flintlock Close and Sly Street. There is a degree of uniformity within the block in terms of materials, particularly on the Rampart Street elevation where the buff coloured brickwork, red brick banding and window surrounds continues between the taller section of the building at the southern end and the lower portion at the northern side which includes the appeal site.
8. However, there are notable differences in the respective roof forms of different elements of the block. The conversion of the taller element included the addition of a modern fourth storey which is enclosed at roof level with a glazed balcony. The part of the block facing Flintlock Close backs directly onto the terrace at the appeal site and a large wall divides the two elements of the block at roof level. The flat section of the mansard roof at the appeal site is set below the top of that wall. Consequently, the roof of No. 13 Rampart Street is enclosed on two sides by the taller section of the building to the north and the rear wall of the building to the east.
9. Whilst mansard roofs are not common in the wider CA there is a pleasing uniformity in the converted element of the terrace including Nos. 9 to 13 and the mansard roof adds to that as a distinctive feature. However, the section of roof that would house the proposed balcony is not unduly prominent in the street scene due to its position tucked between larger structures as described. In addition, the proposed plans show that the glass balustrade and privacy screen would be set back by 1.5m from the edge of the roof. The combination of the set back and the tight urban grain, with buildings set hard up to the edge of the pavement, would effectively limit views of the balustrade in the street scene.
10. If one was stood on the street in the immediate vicinity looking up the balustrade and screen would have no effect on the impression of the main façade. Due to the steep angle of the view and the degree of set back the features would be largely imperceptible. The main image would remain the front elevation and the hipped section of the balustrade with the front dormer. In longer range views the impact would be limited and any glimpses of the balustrade would be fleeting. Even then it would be set against the backdrop of the taller element of the building to the rear which itself contains a glass balustrade in a far more prominent position.

11. Consequently, the proposal would have little impact within the wider CA and would not alter the prevailing character of the block. When viewed from the street the profile of the mansard roof would be retained and the vertical emphasis of the façade would be largely unaffected. Whilst the Council has expressed an objection 'in principle' to any roof alterations I am required to assess the specific impact of the proposal on a case by case basis. For the reasons given the proposal in this instance would not cause harm to the character and appearance of the property and would preserve the key features and character of the CA. It does not follow that an approval would set a precedent for further roof alterations because each proposal would need to be assessed on its merits and the discreet location of the roof at No.13 and the specific design have had a significant influence on my assessment.
12. Taking all the above points together, I find that the development would preserve the character or appearance of the CA and would conform with the aims and objectives to the National Planning Policy Framework, Policies 7.4, 7.6 and 7.8 of the London Plan, Policy SP10 of the Core Strategy Development Plan Document 2025 (2010) (the 'CS'), and Policies DM24 and DM27 of Tower Hamlets' Local Plan, Managing Development Document Development Plan Document (2013) (the 'LP') which seek amongst other things seek to protect and enhance heritage assets and retain elements which contribute to the significance of an area.

Other Matters

13. I note that a neighbour living on the opposite side of the street objected to the proposal at the application stage on the basis that the balcony would result in overlooking and a loss of privacy into his property. The Council did not oppose the proposal for that reason and I am satisfied that the distance between the balcony and the neighbouring property is sufficient to avoid an undue loss of privacy and the relationship between the outdoor space and neighbouring residential units would not be unusual or harmful in the context of the urban area where there are many examples of similar roof terraces.

Conditions

14. Other than the statutory condition relating to the commencement of work it is necessary, in the interests of clarity, to attach a condition to ensure that the development is constructed in accordance with the plans submitted with the application. No other conditions have been suggested and I am satisfied that none are necessary.

Conclusion and Recommendation

15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be allowed.

Chris Preston

INSPECTOR