



Appeal Decisions

Site visit made on 6 October 2020

by Alison Scott BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Appeal Ref: APP/E5900/W/20/3254909

7 Barnett Street, London E1 2FE

- 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 MSKSBS Randhawa against the decision of the London Borough of Tower Hamlets Council.
 - The application Ref PA/19/02354, dated 25 October 2019, was refused by notice dated 29 January 2020.
 - The development proposed is Creation of a self contained (3b, 4p) dwelling and relocation of existing balconies with associated changes to existing elevation of Flintlock Close.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by the appellant against the Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area;
 - The effect of the proposal on the living conditions of Number 5 Barnett Street with regards to outlook; and
 - Whether or not there would be a safety issue with regards to the location of the entrance.

Reasons

Character and Appearance

4. The appeal site is modern development to the rear of a block of commercial units along Commercial Road. It is located close to Myrdle Conservation Area (CA). The CA is characterised by a high density development with buildings set hard to the back of the pavement.
5. The area where the proposed extension would be located is presently laid out as informal rear parking, irrespective of whether or not it serves the commercial units of Commercial Road or Barnett Street. The surface treatment

- is block paving with dropped kerbs and parking occurs along the entire length of the rear block. There is nothing before me to indicate that the land is anything other than dedicated parking area.
6. The proposed extension would extend from the rear of No 7 Barnett Street over part of this land to the back of the pavement. The appellant considers it follows a historic precedence of a single dwelling and would be characteristic of the area.
 7. However, in this case, it would be the only part of the rear elevation of this row that would project this far to meet the back of the pavement as an independent proposal. By creating this extension alone as a new dwelling, would therefore be at odds with the context of the street scene.
 8. The developments on the opposite side of Barnett Street, as well as other neighbouring developments including those facing Rampart Street extend as a complete perimeter block to meet the back of the pavement. However, these are either planned development or conversions and is the pattern of development of those particular sites.
 9. Therefore, they are not similar circumstances to the appeal proposal. Also, whilst that is the pattern of development elsewhere, that is not to say that this should be repeated on other neighbouring sites. This proposal would not create a complete perimeter block. It would instead appear as a prominent and discordant feature in this location.
 10. The appellant finds the car parking area and the various paraphernalia located here, to be harmful to the character and appearance of the area and the CA. They are of the opinion that the proposals would enhance the CA. However, this is their own personal view and in any event, I find the parking area not to harm the character or appearance of the area, and have a neutral effect on the character and appearance of the CA. Furthermore, should the appellant be concerned about the condition of the appeal land, the management of the space is in their control. They are furthermore not responsible for the management of the remaining space which would still remain as is.
 11. Accordingly, the proposal would not meet the purposes of Policy S.DH1 of the Tower Hamlets Local Plan 2031 Managing Growth and Sharing Benefits (2020) to deliver high quality design, in particular to be of appropriate scale, height, mass, bulk and form. It would not comply with Policies 7.4 and 7.6 of the London Plan 2016 for development to have regard to local character and for buildings to be of a proportion, scale and orientation that enhances the public realm. Finally, it would conflict with the aims of Policy D2 of the emerging London Plan to deliver good design.

Living Conditions

12. There are two rear windows to the upper floors of No 5 Barnett Street as well as French doors onto the balcony area of the top floor flat. The first floor windows would be most affected by the proposal as they would be located adjacent to the proposed extension. Irrespective of day light and sun light studies, it would be as a consequence of the proposed projection, scale, bulk and massing and its orientation, together with the relationship with the attached property, the outlook from these windows would be significantly reduced and therefore compromised.

13. Comparable examples of relationships between other neighbouring developments have been brought to my attention. However, they do not share exactly the same relationship with the appeal site and therefore I apply limited weight to these circumstances.
14. I can find no significant sense of enclosure would arise given only one side would be developed upon. However, the large scale and mass of brickwork would result in the proposal appearing over-bearing given these are small windows. Regardless of whether or not the freeholder of No 5 raises no objections, the living conditions of the occupiers would be harmed as a consequence of the proposal.
15. Overall, the proposal would not meet the policy expectations of the Tower Hamlets 2031 Managing Growth and Sharing Benefits Policy D.DH8 to ensure existing habitable rooms have an acceptable outlook. It would also be in conflict with Policy D1 of the emerging Draft London Plan with particular regard to development delivering appropriate outlook.

Safety of entrance

16. The new access into the flats is proposed to the side elevation along Flintlock Close where the lane comes to a dead end at the high wall of the residential accommodation to the rear of 184 Commercial Road. The appellant's photographs accurately depict the narrow sense of enclosure at this point which is further emphasised by the existing school perimeter fence and landscaping in this corner location.
17. Having stood in the corner to appreciate the situation on the ground, I am not convinced that an access in this position would be a safe alternative entry point. I note the appellant's Design and Access Statement accepts this corner as an 'enclosed space' and they also comment that windows 'in the first floor and above, with the curtain drawn, provide inadequate supervision.' There would be a high reliance on the proposed French doors onto the balconies and the balcony spaces to provide overlooking. I have come to the conclusion that it would be unlikely that reliable surveillance of the area would occur from these windows and spaces.
18. A new street lamp would be a welcome addition as well as the removal of the condenser unit, other pipework and graffiti to this elevation, but would not alter the conclusion I have reached, and in any event could be removed without the need for the proposed scheme. Neither would the creation of a new access that omits the need to walk across the parking area lead me to a different conclusion. Furthermore, improvements suggested by the appellant to third party land cannot be taken into account.
19. The access would not share the same characteristics as the other accesses close by as these are located with clear visibility to either side and are not located within such confined spaces.
20. The proposal would not comply with the aims of Tower Hamlets 2031 Managing Growth and Sharing Benefits Policy D.DH2 to achieve attractive streets, spaces and public realm that refers in particular to locate accesses in visible, safe and accessible locations. It would conflict with Policy 7.3 of the London Plan 2016 to design out crime and policy D10 of the emerging draft London Plan to create a safe and secure environment.

Other Matters

21. The appellant complains of fly tipping occurring within the area. There is no evidence presented by them to demonstrate that there are anti-social behaviour activities associated with the site, or evidence of costs incurred by the appellant in an attempt to control this. Furthermore, that is not to say that the proposal would prevent these incidents from occurring. Nevertheless, the appellant can seek advice and help on the matter from specialist services.
22. Whether or not the land offers safe or secure parking spaces does not alter my conclusion. Issues regarding unauthorised parking is not within my jurisdiction to comment upon. A car free development, the potential for fewer vehicular movements in the area, and potential to reduce unauthorised parking, increased external spaces to the flats, and refuse and cycle storage provision does not lead me to form a different view.
23. Images of possible redevelopment potential to the adjacent units is provided by the appellant and its effect on the setting of the appeal proposal and the area demonstrated. However, none of this is within the control of the appellant and has no bearing on the appeal before me.
24. The Council raises no reason for refusal regarding privacy levels and overlooking. The appellant welcomes the opportunity to make good the surface of the lane, and to make improvements to public realm which is noted, however this does not alter the conclusion I have reached.
25. An additional dwelling would not lead to a meaningful contribution to local housing stock or any investment and regeneration into the area would be difficult to quantify. It may provide what the appellant describes as an 'attractive' home to rent and that the appellant considers improvements would be made to upper floors of No 182 Commercial Road, although this does not outweigh the harm I have identified.
26. The appellant raises concerns regarding the service they have received from the Council. However, any complaints should be in the first place directed to the Council and are not within my remit to comment upon.

Conclusion

27. I have considered the evidence presented by the appellant, however in the planning balance, none of the benefits that would occur would outweigh the harm I have identified. On this basis, the appeal is dismissed.

Alison Scott

INSPECTOR