



Appeal Decision

Site visit made on 6 October 2020

by R Sabu BA(Hons) MA BArch PgDip ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 23rd October 2020

Appeal Ref: APP/E5900/W/20/3246762

1 Head Street, London E1 0QN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Peter Leuzzi of Crown Coast Living against the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/02399, is dated 28 October 2019.
 - The development proposed is described as, 'Part demolition of existing building and development to provide residential development (C3)'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. While I note the address and company name stated in the appeal form, I have used the details from the application form in the interests of certainty.
3. I note the Mayor of London The London Plan Intend to Publish (clean version) Spatial Development Strategy for Greater London December 2019. However, since there is no certainty that the policies within will be adopted in their current form, I have attributed them limited weight.

Main Issue

4. The main issue is the effect of the proposed development on the character or appearance of Albert Gardens Conservation Area (CA) and on the setting of Marion Richardson School, a Grade II Listed Building (School) and its effect on their significance.

Reasons

5. While the site lies at the edge of the CA, it nonetheless lies within the CA, the significance of which lies in the evidence of historic architecture including rows of modest terraced housing with a small number of open spaces and notable buildings with larger massing. The School is sited adjacent to the site and is a grade II listed building the significance of which lies in the evidence of historic grand architecture with original detailing.
6. The School is a grand, monumental building which contrasts with its setting amid Victorian terraced houses and post-war housing. Given the proximity to the School, the site lies within its setting. In its current undeveloped and somewhat overgrown state, the site does not contribute positively to the significance of the CA but allows the School to retain its dominant, grand character.

7. The four-storey proposal would be significantly taller than the terraced housing on Senrab Street which follows on from Head Street and would be a similar height as the flank walls of the adjacent building fronting Commercial Road. As such, its height would be more akin to the taller buildings along Commercial Road than the modest terraced housing elsewhere in the CA. Therefore, the scheme would appear discordant with the general character of the CA which is primarily characterised by low height terraced historic dwellings and taller commercial properties along Commercial Road.
8. I acknowledge the evidence setting out the heights of other buildings in the CA which appear to be generally either fronting Commercial Road, or are some distance from the appeal site such that they are not closely related to the site. In addition, limited further information is before me to enable a direct comparison to be made with the appeal scheme. I note the four storey dwellings on the opposite side of Head Street. Those dwellings lie outside of the CA with the rear facing Head Street and the CA, and given their age and modern architectural style, have a closer relationship to the area east of the CA. Therefore, those buildings do not override the harm to the CA that would result from the height of the proposal.
9. The traditional materials and elevational detailing of the proposal would be in keeping with the character and appearance of the CA. However, for the foregoing reasons these matters would not override the harm to the character or appearance of the CA.
10. Given the four-storey height of the proposal that would be roughly the height of the flank walls of the adjacent building that fronts Commercial Road, it would greatly diminish the dominance of the School, the significance of which is derived from its monumental character and appearance. Not only would the scheme visually compete with the School in terms of scale, from the evidence, the resultant tension would be visible from Head Street, as well as from Senrab Street and Commercial Road. Consequently, while I note the evidence regarding historical views, the proposed development would weaken the significance of the School.
11. While I note the approved scheme at No 543 Commercial Road, since it is further from the School, and given its position fronting Commercial Road, it would be visually more closely related to the buildings along Commercial Road than to the appeal site or the School. As such, that scheme does not override the harm identified.
12. The site benefits from planning permission for a three-storey building with five dwellings granted in 2019 (2019 scheme). From the evidence before me it seems likely that that proposal would be implemented if this appeal were not to succeed. The lower height of this scheme would be more in line with the other historic terraced dwellings in the CA and significantly lower in height than the adjacent building and therefore would not visually compete with the School. As such, the proposed development would be more harmful to the CA and setting of the School than this fall-back position.
13. Consequently, the proposed development would not preserve or enhance the character or appearance of the CA and would harm the setting of the School. It would thereby adversely affect their significance. Therefore, the proposal would

conflict with Policies 7.4 and 7.6 of The London Plan The Spatial Development Strategy for London Consolidated with Alterations Since 2011 March 2016 (LP) which seek buildings that among other things have regard to the pattern of the existing spaces in scale, proportion and mass and incorporate design appropriate to its context. It would also conflict with LP Policy 7.8 which requires that, among other things, development affecting heritage assets and their settings should conserve their significance, by being sympathetic to their form and scale.

14. The proposal would also conflict with Policies S.DH1 and S.DH3 of the Tower Hamlets Plan 2031: Managing Growth and Sharing Benefits (2020) which seek, among other things, developments that positively respond to their context and require that proposal must preserve, or where appropriate, enhance the borough's designated heritage assets in a manner appropriate to their significance.

Planning Balance

15. The identified harm to the CA and the setting of the listed buildings would be less than substantial and in accordance with paragraph 196 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimal viable use. Bearing in mind the statutory duty¹ to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, the identified harm to the setting of the School carries substantial weight against the proposed development.
16. The proposal would contribute seven dwellings to the local housing supply and there would be temporary economic benefits during the construction process. In addition, future occupiers would be likely to contribute to the local community. However, from the evidence before me the Council are able to demonstrate a five-year housing land supply and there is limited evidence before me to demonstrate that there is an identified need for market housing in this location. As such, I attribute limited weight to these public benefits.
17. I note the evidence regarding the use of a vacant site and optimum viable use as well as design changes to the elevations. However, given the fall-back position of the 2019 scheme, the improvement of derelict land and optimal viable use of the site appears to have already been secured.
18. I note that there may historically have been built development along Head Street enclosing this side of the School. However, even if the School was historically enclosed by tall development, I have necessarily assessed the proposal based on the current conditions on the ground. As such, I attribute limited weight to these matters as public benefits.
19. Overall, the benefits claimed by the appellant and the limited weight attributed to the benefit of additional housing do not outweigh the substantial weight attached to the harm to the setting of the listed buildings.

¹ S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

20. I acknowledge the evidence relating to the presumption of sustainable development as set out in the Framework and the paragraphs relating to brownfield sites as well as the need for more homes in the terms of the LP. I also note the findings of the Heritage Assessment and Townscape and Visual Impact Assessment including the identified views, however, given the harm identified above and the resultant conflict with the development plan, these matters have not altered my overall decision.

Conclusion

21. For the reasons given above, the appeal is dismissed.

R Sabu

INSPECTOR