



Appeal Decision

Site visit made on 14 September 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th December 2020

Appeal Ref: APP/E5900/W/20/3251210

96-98 Bromley High Street, London E3 3EG

- 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 Helal Rahman (Point Home Ltd) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/19/00256, dated 31 January 2019, was refused by notice dated 30 January 2020.
 - The development proposed is the redevelopment of 96-98 Bromley High Street, comprising the demolition of the existing building (two storey residential building) (use class C3) to construct a four storey residential building containing 4 x two bedroom units, 2 x one bedroom units and 1 x three bedroom unit with associated cycle parking spaces, private amenity space and other associated works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect of the proposal on the living conditions of occupiers of neighbouring properties with particular regard to daylight/sunlight,
 - ii. the design quality of the proposal in relation to the context of the site; and
 - iii. the effect of the absence of a car free agreement within the proposal on the highways network and aims to promote sustainable transport methods.

Reasons

3. The site is occupied by an existing two storey building, and the proposal seeks to replace this with a 4 storey building (with inset top floor) which would occupy the majority of the footprint of the site. While taller buildings are common immediately to the north, the appeal site sits firmly amongst a distinct grouping of modern, generally two storey residential properties bounded by St Leonards Street to the west and the A12 to the east.

Living conditions

4. The building would be situated approximately 13m from the south west facing elevation of residential property at 100-102 Bromley High Street (also identified within the evidence as St Leonards Street).
5. Windows on this elevation serving No.s 100a, 102a and 102b would suffer a Vertical Sky Component (VSC) reduction factor of between 0.68 and 0.79. The same windows would have retained VSC values of between 19 and 23.8%.
6. In relation to existing buildings, guidance¹ indicates that if the VSC with the new development in place is both less than 27% and less than 0.8 times its former value, occupants of the existing building will notice the reduction in the amount of daylight. It further advises that the area lit by the window is likely to appear gloomier and that electric lighting will be needed more of the time.
7. Further, the same windows would be subjected to a No Sky Line (NSL) reduction factor of between 0.38 and 0.66. The BRE guidance suggest that if following the construction of a new development, the no sky line moves so that the area of the existing room which does not receive direct skylight is reduced to less than 0.8 times its former value, this would again be noticeable to the occupants and more of the room would appear poorly lit.
8. I accept that this is guidance only and that these do not represent hard and fast rules and that the site is within an urban environment. However, I do not consider that within the immediate locality a VSC target value of 18% would be appropriate given the established mainly two storey character of development to the east of St Leonards Street. Such an adjustment may more commonly be made where an area is already characterised by tall buildings placed close together. This is not the case in relation to the grouping of buildings bounded by St Leonards Street to the west and the A12 to the east.
9. The existing building which would be demolished, and those most significantly affected, given their distinctive matching brick patterns have the appearance of being formed as one cohesive development, with similar building heights provided across the units. The fact that they have very good levels of daylight at present does not justify the reduction proposed through the introduction of a significantly taller building into the existing grouping.
10. The evidence does not point to any significant loss of sunlight to neighbouring properties. Although there would be some detrimental impact on the daylight received to windows on an extension at 1a Priory Street, the impact would be somewhat mitigated by the presence of roof lights. The extension is also lengthy and close to the shared boundary and I therefore afford impact on this property limited weight. I afford weight to the fact that the intensification of development at the site would benefit housing supply in a location with good public transport links. I accept that new development cannot always be completely impact free.
11. However, the evidence indicates that there would be a harmful loss in daylight to windows at No.s 100a, 102a and 102b. This loss would cause the rooms that the windows serve to become gloomier and more reliant on artificial lighting. This would detract from the occupier's enjoyment of their homes and would

¹ Site Layout Planning for Daylight and Sunlight – A guide to good practice - BRE Trust.

have a harmful impact on the existing living conditions that they currently enjoy. This is a matter that I have afforded significant weight.

12. The proposal would therefore be contrary to Policy D.DH8 of The Tower Hamlets Local Plan 2031 (2020) (THLP). Amongst other things, this policy seeks to protect the living conditions of occupants of existing buildings by requiring that development must not result in an unacceptable material deterioration of the daylight conditions of surrounding development.

Design quality

13. While the solid to void ratio to the north east facing secondary elevation would be higher than the south west elevation, the elevation could not be described as blank. It would incorporate some window detailing, inset brick panels and anthracite grey metal cladding which would provide sufficient visual interest to break up the elevation and the visual appearance of this part of the scheme would therefore be acceptable.
14. As a result of the close presence of much taller and bulkier buildings nearby, particularly to the north of the site, the height, scale and massing of the building would be visually acceptable in relation to the wider character and appearance of the area.
15. However, amongst other things Policy S.DH1 of the THLP requires that development must be of appropriate scale, height, mass, bulk and form in its site and context. Whilst the building may be visually acceptable, given the harmful impacts identified above in relation to living conditions, the building would not appropriately integrate into its site and context and would not therefore represent the high quality design that is sought. The proposal would therefore conflict with Policy S.DH1.

Car free agreement

16. I am in receipt of a unilateral undertaking which was not available at the time the Council made their decision which would restrict the ability of future occupiers of the development to obtain a parking permit.
17. Were I minded to allow the appeal, the proposal would not therefore need to conflict with Policies D.TR3 of the THLP or 6.12 of the London Plan (2016) which amongst other things require residential development to be permit free and improve conditions for road users.

Conclusion

18. Taking all relevant matters into account, the appeal should be dismissed.

T J Burnham

INSPECTOR