



Appeal Decision

Site visit made on 7 January 2021

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/E5900/W/20/3255375

629-631 Roman Road, Bow, London E3 2RN

- 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 Cedargate Developments Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/20/00311, is dated 11 February 2020.
 - The development proposed is erection of partial third floor to create a two bedroom flat.
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Decision

1. The appeal is dismissed and planning permission is refused.

Preliminary Matters

2. At the time of the site visit works were in progress following previous approval for the residential development of 5 No. apartments with change of use of first floor and part of ground floor from Use Class A1 (shops) to Use Class C3 (housing), extension of first floor, erection of two additional floors and alterations to ground and first floor (ref: PA/15/02869).
3. An application for costs was made by Cedargate Developments Limited against the Council of the London Borough of Tower Hamlets. This is the subject of a separate decision.

Main Issue

4. The appeal has been made against the failure of the Council to determine the planning application. However, the Council has provided an undated officer's report which sets out that, had it been in a position to do so, it would have refused planning permission for reasons relating to the effect of the proposal on the conservation area within which the appeal building is located.
5. The main issue is, therefore, the effect of the proposal on the character and appearance of the Roman Road Market Conservation Area.

Reasons

6. The appeal site is a three storey terraced building which will have a commercial unit at ground floor level and 5 residential units within the floors above. It is located near the eastern end of the conservation area close to the Roman Road/Parnell Road junction. The front elevation of the building has two regularly spaced rows of four windows above the commercial frontage. The

- proposed partial third floor would have a flat roof and area of terrace. It would be constructed over part of the main flat roof of the building. The additional floor would be set back from the frontage roof parapet for the building and would be of a contemporary design and use of materials.
7. The development Plan includes the Tower Hamlets Local Plan 2031 (adopted in 2020), hereinafter the Local Plan, and the London Plan (2016). The emerging development plan is the Intention to Publish London Plan (IP London Plan). Its policies cannot be afforded full weight at present as the plan has not yet been published.
 8. The Roman Road Market Conservation Area is centred upon the buildings along Roman Road with its street market function, and buildings at Cardigan Road. The buildings are generally of two to four storeys in height with mixed uses, including ground floor shopfronts, which provide a domestic scale. There is variation in building ages, form, and design throughout the conservation area. Only two buildings in the conservation area are listed as being of special architectural or historic interest and there is one building of local interest. However, the Council's *Roman Road Market Conservation Area, Character Appraisal and Management Guidelines* indicates that the remainder of Roman Road is of collective townscape merit. The appellant submitted a Heritage Assessment to support the application.
 9. The height of the building has already been raised to three storeys through implementation of application ref: PA/15/02869. This increase in height, along with the regular fenestration, has resulted in visual unity between the front elevation of the building and that of neighbouring buildings. The creation of a four storey building would be in keeping with the height of other buildings in the conservation area. However, the addition of a partial third floor would not be consistent with the height of the immediately adjacent development at No.627 Roman Road or with other development in the vicinity in respect of its form and materials.
 10. The proposed additional unit would be of a contemporary design and would introduce fenestration and materials which would be inconsistent with the character and appearance of the host building and those of other roof additions in the conservation area. The windows in the unit would not align with those in the floors below. Although contemporary design may be acceptable in a conservation area, it would not in this instance reflect the distinctive regularity of style and form evident in the immediately neighbouring buildings and the proposal is not a characteristic element of the conservation area as a whole. I note that the appellant was willing to reconsider the design if the Council had engaged on the matter. However, I must determine this appeal on the basis of the plans which were refused by the Council.
 11. The additional unit would be set back from the front elevation of the building and its front roof parapet. The appellant has submitted a drawing to demonstrate that the additional unit would not be easily seen from Roman Road, opposite at street level. However, there is no evidence to demonstrate that it would not be seen from angled views from other locations in Roman Road, in particular at the approach to the conservation area from the Roman Road/Parnell Road junction, where it is very likely that the eastern flank elevation of the proposed addition would be visible from street level. The unit would be seen from the upper floor windows of other buildings in Roman Road

and from properties to the rear. From these positions it would appear as a prominent uncharacteristic addition to the roofscape.

12. The space between the additional unit and the parapet would be used as an accessible roof terrace. The terrace would have a protective glass balustrade for safety reasons, although its detailed design is not shown on the application drawings. There is an existing roof terrace on a nearby building, with a low safety railing. It is nonetheless likely that any activity on the terrace by occupants of the proposed unit would be apparent from Roman Road, along with part of the proposed glass balustrade.
13. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, when assessing development proposals, special attention should be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. I consider that the proposed additional unit would fail to preserve the character and appearance of the conservation area through its form, design and use of materials.
14. In view of its limited scale the harm from the additional unit to the character and appearance of the conservation area as a designated heritage asset would be less than substantial, but, nonetheless of considerable importance and weight. In these circumstances paragraph 196 of the National Planning Policy Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The proposal would provide an additional housing unit as a benefit. However, this public benefit would be very modest and would be insufficient to overcome the great weight that is required to be given to the character and appearance of the conservation area. I therefore find that the proposed development would cause harm to the character and appearance of the Roman Road Market Conservation Area. It would be contrary to policy S.DH3 of the Local Plan which seeks to ensure that heritage assets in the Borough are preserved, or where appropriate, enhanced. It would also conflict with Local Plan policy SHD1 which requires, amongst other things, that development meets the highest standards of design which respects and positively responds to its context.

Other Matters

15. My attention has been drawn to a number of other schemes in the vicinity of the appeal site. The approved scheme for the appeal building and that allowed on appeal at No.529 Roman Road involved replicating the form of the existing building, rather than introducing an uncharacteristic design element. In other cases, the Council granted permission for the replacement of a two storey building by a four storey building at Nos.524-544 Roman Road, despite the dominant height of the surrounding buildings being three storeys. That development differed from that proposed in this appeal because the fourth floor was flush with the frontage of the building, rather than being set back and also it matched the design and appearance of the floors below. Nos.552-558 Roman Road were granted permission by the Council for a three storey building above the ground floor although it was two storeys higher than the buildings at either side. However, whilst some of the fenestration was not traditional, the front elevation was not set back at any floor level. The appellant also refers to the former Bow Road Fire Station development which was a much larger

proposal extending up to 6-storeys in height, not comparable with the appeal proposal, and just outside the conservation area.

16. The appeal decision at No.529 Roman Road and applications determined by the Council and cited by the appellant did not involve a partial additional floor similar to that proposed at the appeal site. I have determined this appeal based upon the individual merits of the proposal and its particular site circumstances, having regard to relevant development plan and national planning policies. The existence of the above development examples in the conservation area are insufficient reason to justify allowing the appeal before me.
17. The Council considers that the proposed additional unit would have no harmful effect on the amenity of neighbours in respect of loss of light, privacy or outlook and would have acceptable living space standards. I see no reason to disagree in view of its location in relation to other neighbouring properties and having regard to its internal layout and proposed floorspace. However, this does not lead me to a different overall conclusion on the appeal.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed and planning permission refused.

Martin H Seddon

INSPECTOR