



Appeal Decision

Site Visit made on 5 May 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal Ref: APP/E5900/D/20/3263641

26 Cardigan Road, London E3 5HU

- 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 George Boyle against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/01463, dated 9 July 2020, was refused by notice dated 4 September 2020.
 - The development proposed is mansard loft extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application form.

Main Issues

3. The main issues are the effect of the proposed development upon the character and appearance of the host property and the area and whether it would preserve or enhance the character or appearance of the Roman Road Market Conservation Area (CA).

Reasons

4. The appeal property is a two-storey mid terrace dwelling located within a CA. Despite minor variations the parapet of properties along this side of the road are largely a consistent height and allow glimpsed views of chimneys and arials from street level. Whilst the rear of dwellings vary considerably the simple form of their main roofs disguised behind a parapet positively contributes to the character and appearance of the area resulting in a largely coherent and pleasant residential street scene.
5. Despite the use of sympathetic materials, the proposed development would unacceptably change the roofscape significantly disrupting the simple form and appearance of the host property's roof. The bulk of the mansard roof and the size and design of the dormer windows would interrupt the unaltered and coherent roof form along the road resulting in unacceptable harm.

6. Notwithstanding its setback the proposed development on account of its bulk and appearance would be visually prominent from street level drawing the eye and appearing as an incongruous feature along the terrace. As such, it would harm the character and appearance of the host property and the area.
7. Albeit localised the impact on the CA would be harmful. Whilst the harm I have identified would not result in substantial harm, it would still result in harm that requires clear and convincing justification. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal, including where appropriate securing its optimum use.
8. Based on the evidence before me no public benefits have been presented and taking into consideration the points above the harm to the CA would clearly outweigh the public benefits of the proposal. The proposed development would fail to preserve or enhance the character and appearance of the CA.
9. The proposed development is therefore contrary to Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan (2020) and emerging Policies D4 and HC1 of the draft London Plan which, amongst other things, seek the highest standard of design, the preservation or enhancement of conservation areas and developments to be sympathetic to a heritage assets significance. It would also be contrary to the aims and objectives of the Framework.

Other Matters

10. I acknowledge that the proposed development would accord with the Council's guidance in respect of mansard roofs. However, based on the evidence before me this guidance does not apply to such developments in the CA and therefore, I give this matter negligible weight in coming to my decision. Whilst the appellant has made improvements to the host property and is willing to make a financial contribution towards street improvements this, in my judgement, would not overcome the harm that I have identified.
11. I note the appellant's comments in relation to poor quality frontages in the area. However, it is incumbent upon me to assess the merits of the proposal before me in respect of its impact upon the character and appearance of the area. The presence of other examples in the area does not justify the harm that I have identified.
12. The appellant has referred to No.6 and No.8 which are three storey in an otherwise terrace of 2 storey dwellings. I have not been made aware of the individual circumstances that led to them being constructed. In any event, every appeal must be considered on its own merits, as I have done in this case. The presence of these two properties does not lead me to reach a different conclusion on the matter.
13. I note the appellant's comments that the proposal would improve the house for his growing family. Whilst I have given this matter careful consideration, I am mindful of the advice contained in the Planning Practice Guidance that in general, planning is concerned with land use in the public interest. It is probable that the proposal would remain long after the current personal circumstances cease to be material. For these reasons, I find that this factor is not sufficient to outweigh the harm that I have identified.

14. I acknowledge that the proposed development would not unduly affect the living conditions of neighbouring occupiers in terms of light, outlook or enclosure. However, this neither counts for nor against the proposal and does not alter the harm I have identified in relation to the main issues.

Conclusion

15. For the reasons set out above the appeal does not succeed.

B Thandi

INSPECTOR