



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/W/20/3261305

311 - 313 Bethnal Green Road, London

- 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 Carl Hellen of Bethnal Green Road Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/00447, dated 27 February 2020, was refused by notice dated 20 April 2020.
 - The development proposed is 2 number 1 bed flats at 3rd floor level.
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Decision

1. The appeal is dismissed.

Procedural Matters

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.
3. Following determination of the planning application by the Council, the appellant has prepared an Air Quality Assessment. I have paid regard to the document in consideration of the appeal and I note that the Council have commented on its contents. Having regard to the Wheatcroft Principles I am satisfied that no interested parties have been prejudiced by my approach.

Main Issues

4. The main issues are:
 - The effect of the proposed development upon the character and appearance of the area;
 - Whether the proposed development would provide acceptable living conditions for future occupiers with particular regard to air quality and internal space; and
 - Whether the proposal would provide suitable waste storage and bicycle parking facilities.

Reasons

Character and appearance

5. The appeal building comprises a three-storey mixed use building fronting Bethnal Green Road located within a busy commercial area. The ground floor is in retail use with flats above laid out over two floors. Whilst the height of properties within the terrace are largely consistent the surrounding area includes properties that vary in terms of height, mass, appearance and roofscape.
6. The proposed mansard roof would reflect the materials and proportions of the host property and although taller its height would not be significantly dissimilar to buildings in the area. However, the proposed dormer windows would occupy nearly all of the front roof slope. The overall size and number of the dormer windows would unacceptably dominate the resultant roofscape resulting in a cluttered and top-heavy appearance. The mansard roof would be visually prominent and would be visible from street level undermining the appearance of the area.
7. My attention has been drawn to other mansard roof extensions along Bethnal Green Road. The circumstances in each proposal are likely to be different, and the presence of other apparently similar developments does not justify a scheme that I have found to be harmful. In any event, every appeal must be considered on its own merits, as I have done in this case.
8. I acknowledge that the National Planning Policy Framework (the Framework) promotes the efficient use of land and the use of airspace above existing residential and commercial premises. However, it also recognises that developments should be sensitive to its surroundings.
9. I conclude that the proposed development would adversely affect the character and appearance of the area contrary to Policies S.DH1 of the Tower Hamlets Local Plan (2020) (THLP) and 7.6 of the London Plan (2016) (LP) which, amongst other things, require the highest standard of design and architectural quality and developments to be of an appropriate scale, mass, bulk and form in its site and context.

Living conditions for future occupiers

10. The submitted Air Quality Assessment concludes that pollutant concentrations in the area do not exceed air quality objectives and that future occupiers would not be exposed to unacceptable levels of air quality. This assessment has not been challenged by the Council and I have no reason to dispute its findings. Therefore, I am satisfied that future occupiers would not experience unacceptable levels of air quality.
11. The Technical housing standards – nationally described space standard sets out the minimum gross internal floor areas for new dwellings. Despite the Council's contention there is no substantive evidence before me to indicate that the proposed flats would be occupied by more than one person. The size of the proposed bedroom and the overall floor area would accord with guidance for a single person dwelling and as such would provide a satisfactory standard of accommodation. Moreover, the proposed flats would reflect the size and layout of the ones below, achieving adequate ceiling heights and each habitable room would be served by windows providing outlook, daylight and sunlight.

12. The existing flats within the host property do not benefit from external amenity space. However, the flats are not untypical in this regard given the surrounding tight urban grain. I acknowledge that the proposed flat facing Bethnal Green Road would not benefit from external amenity space. However, future residents would be able to use nearby open spaces including Pollard Square and Weavers Fields located within a short distance.
13. The balconies proposed to the rear facing flats would provide a satisfactory outdoor space to meet the needs of existing and future residents, which is a benefit of the scheme and offsets the lack of external amenity space for one of the proposed flats.
14. As such, the proposed development would provide satisfactory living conditions for future occupiers in accordance with Policies D.DH8, D.DH3 and D.ES2 of the THLP and Policy 3.5 of the LP which, amongst other things, seek to protect the extent of the amenity of new and existing buildings and their occupants, meet the 'air quality neutral' standard, be of the highest quality design internally and externally and meet minimum space standards.
15. The Council also refer to Policies D.ES3, D.ES9 and D.ES10 of the THLP within the second reason for refusal. However, these relate to urban greening and biodiversity, noise and vibration and overheating. There is no credible evidence before me to indicate that future occupiers would be adversely affected by noise, vibration or excessive heat or that the proposal would be harmful with regard to biodiversity. As such, I give these matters negligible weight in coming to my decision.

Waste storage and bicycle parking provision

16. The Council raise concerns regarding the proposed facilities for waste and recycling. The appeal site sits within a tight urban environment with no external and limited internal space for dedicated waste storage to serve the existing and proposed flats. Based on the evidence before me this is not a unique arrangement in the area as other upper floor flats are constrained by a lack of ground floor storage space. Whilst residents taking their waste and recycling out on collection days is not ideal, it appears to be the only practical manner to manage waste arrangements. In my view and with specific regard to this case the proposed waste arrangements would not be unacceptable.
17. Turning to cycle storage there are similar constraints with respect to on site provision at ground floor level as with waste storage. The appellant has indicated that bicycles could be parked on the proposed balconies, although I note that not all flats would benefit from one. In any event, this arrangement would not be a suitable solution given the constraints of carrying bicycles up and down the stairwell and through the flats. Furthermore, stored bicycles would diminish the usability of the amenity space.
18. Notwithstanding the above, the site is located within a local centre accommodating a wide range of day to day services and facilities and future occupiers would be able to reach these on foot. Moreover, there is further transport choice in the form of overground railway and underground stations within close proximity providing future occupants with transport options.
19. Whilst the Council may well have sought to rationalise ground floor areas to provide cycle and waste provision in other proposals I have not been furnished

with any details. In any event every appeal must be considered on its own merits, as I have done in this case. I, therefore, have given this matter negligible weight in coming to my decision.

20. As such, there would be some conflict with Policies S.MW3 and D.TR3 of the THLP and Policy 6.9 of the LP in respect of waste collection facilities and bicycle parking. However, I am satisfied that the lack of waste and bicycle provision would not unduly compromise the living conditions of future occupiers. Furthermore, the social and economic benefits of two new flats in an accessible location would outweigh the absence of such facilities.

Conclusion

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

B Thandi

INSPECTOR