



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/20/3261060

2 Grove Road, London E3 5AX

- 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 S Vali of S&S Estates Management Ltd against the decision of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00951, dated 7 May 2020, was refused by notice dated 7 July 2020.
 - The development proposed is basement extension to reconfigure the existing restaurant, partial demolition of first floor with retention of front and side elevations and replacement of first floor windows, two-storey extension to form two residential units.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description in the banner heading above has been taken from the application form. I have, however, omitted the reference to the Tredegar Square Conservation Area (CA) as this is not an act of development.
3. The development includes extending the basement and reconfiguration of the restaurant floorspace and a two-storey extension. The reason for refusal on the Council's decision notice indicates that the two-storey extension is the matter in dispute. I have no reason to disagree with the Council's conclusion that the rest of the proposed development is acceptable in planning terms. My reasoning therefore relates to the proposed two-storey extension.

Main Issues

4. The main issue is the effect of the proposed development upon the character and appearance of the host property as a non-designated heritage asset and the area including whether it would preserve or enhance the character or appearance of the CA.

Reasons

5. The appeal site is a locally listed two-storey former public house. It retains a number of traditional features including a ground floor frontage, ornate window architraves and parapet. It forms part of a historic and locally listed terrace along one side of Grove Road, which has been subject to alteration and includes buildings of varying heights and forms. The building together with 395 and 395a Mile End Road has a lower scale compared to the majority of the terrace. The appeal property sits close to the junction with Mile End Road which due to the width of the road, the bus stop and Mile End Park opposite is spacious.

6. The significance of the CA is derived from well-proportioned housing built in the same style resulting in a significant degree of uniformity and includes a number of designated and non-designated heritage assets. The terrace in which the host property sits in is at variance to this uniformity due to the varying designs of shop fronts and the height and appearance of buildings which reflect its commercial nature and position on a main thoroughfare.
7. The proposed development would extend the property vertically through an additional storey with a mansard roof on top. It would have a largely traditional appearance with the additional storey reflecting the proportions of the host property and using sympathetic materials including painted stucco and yellow London stock brick. It would also tidy up the disparate rear of the property. Whilst properties close to the junction with Mile End Road are of a lower scale the height of the resultant building would be consistent with other buildings in the area.
8. Notwithstanding the above, I find that the two planed design of the roof and its hipped end would result in visual confusion and would be an awkward looking feature that would disrupt the traditional appearance of the host property. The design of the roof combined with the position and number of dormer windows would appear as an incongruous and unduly bulky addition, rather than a subordinate feature. Its appearance and bulk would not, in my view, be disguised by the height of the parapet and the set back of the roof.
9. Taking the above into consideration I find that the proposed development would unacceptably harm the significance of the host property as a non-designated heritage asset.
10. Whilst it would hide the flank wall of the neighbouring property the design and bulk of the roof would jar with mansard roofs in the terrace, somewhat disrupting its traditional appearance and historic narrative, rather than acting as an appropriate transition between the low scale buildings and taller buildings in the terrace. Given the lower scale of Nos. 395 and 395a and the openness of the road junction it would be visually prominent when viewed from street level. Moreover, longer range and elevated views would also be afforded from Mile End Park and from on top of the Green Bridge. As such, the proposal would be a visually prominent and intrusive feature within the area.
11. In light of the above I find that there would be some, albeit limited harm to the CA. 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, which I now turn to.
12. I acknowledge that the proposed development would not unduly affect the setting of the Clinton Road CA or nearby listed buildings. However, the absence of harm in this respect is a neutral factor in the balance.
13. In this regard, the proposal would contribute to local housing supply and retain and reinstate traditional and architectural features of the host property. However, I afford them limited weight. Taking into consideration the points

above I find that the harm to the CA would outweigh the public benefits of the proposed development.

14. I conclude that the proposed development would harm the character and appearance of the host property and the CA contrary to Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan (2020) and Policies 7.4 and 7.8 of the London Plan (2016) which, amongst other things, seek to ensure developments meet the highest standards of design, are sympathetic to the form, scale, materials and architectural detail of heritage assets and the preservation and where appropriate enhancement of the Borough's designated and non-designated heritage assets. It would also be contrary to the heritage aims and objectives of the Framework.

Other Matters

15. The appellant has referred to the grant of planning permission for a contemporary four storey building within the terrace. The circumstances in each case are likely to be different, and in any event, every appeal must be considered on its own merits, as I have done in this case. The fact that other developments may have been permitted is not a reason, on its own, to allow unacceptable development and does not lead me to reach a different conclusion on the matter.
16. I acknowledge that the appellant engaged with the Council prior to submission of the application. However, informal discussions and advice given before an application is determined is given without prejudice and cannot pre-determine the final outcome of an application. As such, I give this matter negligible weight in coming to my decision.

Conclusion

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

B Thandi

INSPECTOR