
Appeal Decisions

Site visit made on 8 June 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2021

Appeal A Ref: APP/E5900/W/20/3256845

First & Second Floor Flat, 606 Commercial Road, London E14 7HS

- 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 Johan Grefstad against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00454, dated 2 March 2020, was refused by notice dated 14 May 2020.
 - The development proposed is to replace sash windows with French doors to the rear of the property allowing access to a flat roof and install railings around the edge of the roof.
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Appeal B Ref: APP/E5900/Y/20/3257272

First & Second Floor Flat, 606 Commercial Road, London E14 7HS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Johan Grefstad against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00455, dated 2 March 2020, was refused by notice dated 14 May 2020.
 - The works proposed are to replace sash windows with French doors to the rear of the property allowing access to a flat roof and install railings around the edge of the roof.
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Decisions

Appeal A Ref: APP/E5900/W/20/3256845

1. The appeal is dismissed.

Appeal B Ref: APP/E5900/Y/20/3257272

2. The appeal is dismissed.

Preliminary Matters

3. As the proposal concerns a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
 4. Since the Council determined the application, the Mayor of London has published the London Plan 2021. Both parties have been given the opportunity to comment on any implications for the appeals.
 5. As set out above, there are two appeals on this site. I have considered each on its individual merits. However, to avoid duplication I have dealt with the two appeals together, except where otherwise indicated.
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Main Issues

6. The main issues are:

- whether the proposal would preserve the grade II listed building, whose statutory address is given as 604-608 Commercial Road E14, and any of the features of special architectural or historic interest that it possesses;
- its effect on the character and appearance of the area; and,
- its effect on the living conditions of the occupiers of 604 Commercial Road, with particular regard to privacy.

Reasons

The significance of the listed building

7. The appeal house is part of a short terrace of three, early C19 houses. It has special historic interest both from its survival from what may have been a longer terrace, and from its characteristic plan layout which reflects the social and artistic influences at the time of its construction.
8. Its Classically influenced street elevation is distinctive for the pairing of the upper openings and for the distinction in the hierarchy of the order of those front openings by the relief of the flamboyant, semi-circular, arched recesses grounded on a modest cornice. The back elevation is altogether simpler but has contrasting interest from the repeated arrangement of timber, sliding-sash windows with modest segmental lintels over, again, reflecting the internal spatial arrangement, and the lower order of the rear façade.
9. The effect of these different architectural elements; the arrangement of the openings, the plain but quality materials of the building, the modelling from the layered front elevation, the plain parapets around the butterfly roof form, and the efficiency and economy in the detailing across the building gives it an unusual, restrained and sculptural character, part of its special architectural interest.

The effect on the listed building

10. In the context of the higher-level openings of the building which hold windows, the formation of a doorway would appear at odds. I appreciate the appellant's point that this stairway opening may have been longer, reaching to the half-landing which it lights. However, the documentary evidence submitted is not sufficiently rigorous to support this. There is no substantive evidence to substantiate the claim that the window was altered from a door in this opening. I acknowledge the altered brickwork under the opening; however, this appears narrower than the window opening, and must be viewed in the context of the whole rear elevation which shows much alteration to the brickwork. Alone, it does not imply a previously longer opening for a door here.
11. Even setting aside for a moment the considerations of authenticity for restoring part of the building to some earlier phase of its development and the potential conflict of this with the historic integrity of the listed building, and even if the opening did indeed once reach down to the landing, it is more likely to have

- housed a window than a door, as flat-roofed extensions were less a feature than today. It is more likely that the opening contained a window which brought in light over a pitched roof closet at lower level, if there was one there at all. A door at this landing would have led to nowhere.
12. The Council has not had the opportunity to comment on the appellant's new material submitted with his final comments. Notwithstanding this, the photographs of the openings in other listed buildings appear to house windows rather than doors, as in this proposal, and none contain metal railings enclosing a flat roof.
 13. I note the references to similar proposals elsewhere permitted by the Council. However, as I do not have the details of those schemes, or the conclusions which led to their permission, I am unable to draw any parallels to this proposal on this site, which I have considered in its own particular circumstances and on its own merits.
 14. The appellant has suggested that the proposal would not harm the listed building because it would not be widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
 15. For these reasons, and on the basis of the evidence submitted, the dropping of the cill and the formation of a door, the historical inappropriateness of which would be emphasised by the proposed terrace railings which would also appear historically out of place at this level, would undermine the legibility of the arrangement of openings and the spaces they serve in the building, which would diminish its significance and its special historic and architectural interest.
 16. I have noted the previous works to the rear of the building, including door openings. However, these are at low level. At high level, the arrangement of similar window openings which share similar separation, heights, and proportions, including this existing opening, makes a distinctive order in the elevation of the listed building, for the disruption of which by these proposals there is no justification.
 17. I acknowledge that there may be some loss of historic fabric by removing the section of wall and the window. However, the material significance of these is not so high either individually or in the context of the whole building, that, were the proposal otherwise acceptable, the historic integrity of the building would be undermined, or any significant evidential value lost by sensitive making good and new work.
 18. I conclude that the proposal would not preserve the special historic and architectural interest of the grade II listed building, contrary to the clear expectations of the Act. It would conflict with policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 (LP) which require proposals to preserve or enhance designated heritage assets in a manner appropriate to their significance and for development to meet the highest standards of design.

The effect on the character and appearance of the area

19. I appreciate that views of the proposal would be limited from the street. Its siting within the rear area of the street block would also prevent it from harming the setting of the Lowell Street Conservation Area.
20. Nonetheless, the listed building, including at the back, contributes significantly to the architectural character of the area. The disruptive effect of the proposal on the order and arrangement of the rear facade of the listed building would be visible from the surrounding dwellings enclosing the rear of this street block.
21. Against the scale of the terrace and the street, I acknowledge the degree of harm to the appearance of the area would be limited. Nonetheless, LP policy S.DH1 requires development to ensure the architectural language, composition and the design of detailing, elements and materials applied on elevations complements and enhances its immediate and wider surroundings. For the reasons above, the proposal would conflict with LP policy S.DH1.

The effect on the living conditions of the occupiers of 604 Commercial Road

22. It is possible to see a very small part of what appears to be the kitchen of No 604 from the terrace at only a very acute angle of view, when stood at the deepest part of this terrace. Given the very limited view, the opportunity for viewing likely to being limited by both weather and daylight, as well as the location of the site in a high-density, built-up area, where there is a degree of commonly accepted mutual overlooking, the risk of loss of privacy from overlooking would not be harmful. There would be no conflict with LP policy D.DH8 which requires development to maintain good levels of privacy and to avoid an unreasonable level of overlooking.

Conclusion

23. The proposal would preserve neither the special historic and architectural interest of the listed building nor the appearance of the area. I give this harm considerable importance and weight in the planning balance of these appeals.
24. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Though I find the harm here to be less than substantial, this does not equate to a less than substantial planning objection, particularly so where the statutory test is not met.
25. Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I appreciate that the proposal would improve the amenity of the dwelling by providing easier access to outdoor space and its safe enclosure. However, the benefits to flow from this would be private rather than of benefit to the public at large. It does not amount to a public benefit which would outweigh the harm identified above.
26. I conclude that the proposal would fail to preserve the special historic and architectural interest of the grade II listed building. It would also harm the appearance of the area. It would fail to satisfy the requirements of the Act and

the development plan, as well as paragraph 192 of the Framework. For these reasons, and having regard to all other matters raised, the appeals are dismissed.

Patrick Whelan

INSPECTOR