
Appeal Decision

Site visit made on 27 July 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th August 2021

Appeal Ref: APP/E5900/W/20/3257148
46 Market Way, London E14 6AH

- 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 Mrs Z Akhtar against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/00606, dated 23 February 2020, was refused by notice dated 15 May 2020.
 - The development proposed is retrospective application to retain current existing development (dormer roof extension).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The red line site location plan, application form and subsequent documentation appear to identify the incorrect property to which this application related to. It appears that this should be No. 42 Market Way. Nonetheless, the evidence, including the site plan within the design and access statement appears to identify the correct property and the location of the dormer extension is not a matter of disagreement between the parties. I have therefore proceeded to determine the appeal.
3. I noted on my site visit that the dormer roof extension was in place at the appeal property. It appeared to broadly accord with the submitted plans, although the plans indicate that a revision would be made to the window arrangement. I have determined the appeal on the basis of the submitted plans for the avoidance of doubt.
4. The description of the proposal has been altered from the application form to the decision notice. Were I minded to allow the appeal the Council's description of the proposal may have been more appropriate. This is because S55 of the Town and Country Planning Act 1990 describes development as the carrying out of building operations and not as their retention.
5. The London Plan (2021) was adopted during the course of the appeal. Both parties were afforded the opportunity to comment on its implications for this proposal. I have determined the appeal solely on the basis of the relevant policies at the time of the decision.

6. The decision notice refers to Policy D.DH1 of The Tower Hamlets Local Plan 2031 (2020) (THLP). However, it has been clarified that this policy should be S.DH1 of the THLP.

Main Issue

7. The main issue is the effect of the proposal on the character and appearance of Lansbury Conservation Area (the Conservation Area).

Reasons

8. This part of the Conservation Area is formed largely of yellow brick-built terraces, incorporating dark pitched roofs and chimney stacks. These are strong features which afford the terrace within which the appeal site sits a uniform appearance to the benefit of the area. The form and detailing of these buildings are therefore among the defining features of the character and appearance of this part of the Conservation Area.
9. The proposal relates to a large flat roofed dormer that has been constructed on the east facing roof-slope of the appeal property. It extends out from closely beneath the ridgeline, terminates a short distance from the eaves and covers the majority of the width of the roof-slope between the chimney stacks which flank the roof of the appeal property on both sides.
10. Given these physical characteristics, the dormer is of a large size in comparison to the roof slope. As a result, the dormer, which incorporates a significant amount of glazing with a high void to solid ratio, completely dominates the rear roof slope leaving very little remaining. The size of the dormer also significantly obscures views towards the characteristic chimney stacks from the road to the east of the site.
11. Both features would have previously made strong and positive contributions to the character and appearance of the area. Subsequently, the extent to which views of them have been obscured by the development detracts from the heritage significance of the Conservation Area which lies in part with the form and detailing of its buildings. The revised window arrangement which would increase the solid to void ratio would not mitigate this harm.
12. The harm to the significance of the Conservation Area is less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) requires such harm to be weighed against any public benefits of the proposal.
13. The benefits of this scheme are limited to the provision of increased living space at the appeal property. However, any benefit of increased space would primarily be a personal one for the appellant. Given the degree of harm I have found that arises from the appeal scheme and the statutory protection afforded to Conservation Areas, such benefit is not sufficient to outweigh this harm.
14. The development fails to preserve the character and appearance of the Conservation Area. It therefore fails to accord with policies S.DH1, D.DH2 and S.DH3 of the THLP which amongst other things require high quality design that will at a minimum preserve the borough's designated heritage assets in a manner appropriate to their significance.

Other Matters

15. I have considered the other dormer windows in the area, details of which have been put before me. However, none of the dormer windows detailed appear to be as large as that before me and therefore do not provide justification for the scheme.

Conclusion

16. The dormer roof extension causes less than substantial harm to the significance of the Conservation Area and no public benefits would outweigh this harm.
17. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR