



Appeal Decision

Site visit made on 26 July 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6th September 2021

Appeal Ref: APP/E5900/W/20/3263557

Regent's Wharf, Wharf Place, London E2 9BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Albany Homes Developments Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/01849, dated 6 August 2020, was refused by notice dated 28 October 2021.
 - The development proposed is an 'Application for prior approval under permitted development provisions in Class A, Part 20 of Schedule 2 to the GPDO (as amended by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020) for a two-storey extension to the existing three-storey building additional 12 units (which will be constructed on the principal part of the Property)'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of the proposal has been taken from that included by the Council on the decision notice which was also included by the appellant on their appeal form. I have determined the appeal on this basis as it has been used by both parties and clearly identifies the proposals.

Main Issue

3. The main issue is whether the proposed development complies with the conditions, limitations or restrictions applicable to enable it to be permitted development.

Reasons

4. The appeal site sits on the south west bank of Regents Canal. When comparing the appellants site plan with the boundary of the Regents Canal Conservation Area (the Conservation Area), the evidence indicates that part of the site along its north eastern side falls within the Conservation Area. This does not form an area of disagreement between the parties.
5. Schedule 2, Part 20, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended) (GPDO) grants

- permitted development rights for new dwellinghouses on detached blocks of flats.
6. However, under paragraph A.1(o)(i), development is not permitted by Class A if the land or site on which the building is located, is or forms part of article 2(3) land, which includes Conservation Areas.
 7. There are further areas of disagreement between the parties as to whether the proposed development would constitute permitted development. These centre around whether the block of flats can be considered detached and whether the proposal would meet the relevant criteria under paragraph A.1(c) and A.1(e)(ii).
 8. However, regardless of these matters, the evidence before me is clear that the proposal would not meet the conditions, limitations or restrictions applicable to enable it to be permitted development under Schedule 2, Part 20, Class A paragraph A.1(o)(i).
 9. This is because the site on which the building is located forms part of a Conservation Area. Given that this is the case I will not make any determination on the prior approval matters on which there are further areas of disagreement between the parties.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR