

Appeal Decision

Site Visit made on 20 October 2021

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 November 2021

Appeal Ref: APP/E5900/W/21/3277943

1 & 2 Medway Mews, London E3 5BQ

- 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 Ms A Lewis against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/00402, dated 18 February 2021, was refused by notice dated 20 April 2021.
 - The development proposed is proposed roof extension and enlargement of 1st floor front windows.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - 1) whether the proposed development would preserve or enhance the character or appearance of the Medway Conservation Area (CA); and
 - 2) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties with particular reference to outlook, light and privacy.

Reasons

Conservation Area

3. Nos 1 and 2 Medway Mews (Nos 1 and 2) are a pair of small mews properties set to the rear of Medway Road within a small group of similar buildings. Positioned in a rear backland location, with terrace housing either side, they have a distinctly tightly knit and intimate character. Nos 1 and 2 are attached to another building to the rear which is accessed from another access point with a separate group of properties.
4. The architectural style of properties, including the roof forms of houses varies in the vicinity. However, there is a distinct change in scale and design of buildings between the backland mews housing and the frontage terrace buildings. Although they are a secluded group of properties which are not visible in the wider CA, they, nonetheless, contribute to the historic pattern of development.
5. The proposed development would add substantial bulk to the roof of Nos 1 and 2, which, combined with its material finish, would contrast with the other mews

buildings in its group and the attached building. In this tightly knit courtyard the additional bulk and massing of the mansard roof would appear stark and discordant, disrupting the architectural unity currently evident in the scale of the mews properties.

6. There are other examples of mansard roofs in the immediate locality. However, these front onto the main streets where the buildings scale and character contrasts with the smaller, tight knit groups of buildings to the rear. As such, the roofscape elsewhere does not form part of the character of the group of rear buildings which include Nos 1 and 2.
7. Although the proposal would not be visible from the wider public realm in the CA, it would be prominent from several properties and gardens. Even incremental changes can erode the character and quality of an area and, as such, despite the limited locations that the proposal would be viewed from, it would still result in harm to the character and appearance of the CA.
8. The harm would be localised and, as such, would be less than substantial in the context of paragraph 202 of the National Planning Policy Framework (the Framework). In accordance with paragraph 202 I must balance that less than substantial harm against the public benefits of the proposal.
9. The appellant is seeking to make an effective use of the existing dwellings, an objective which is encouraged by the Framework. Although this is not unqualified, including the strong protection which is afforded to designated heritage assets. There is no firm evidence as to how the increased size of the properties would address any shortfall in housing delivery. Nonetheless, extending the properties would meet the occupiers needs for increased accommodation. However, these would be largely personal benefits and therefore I afford them limited weight.
10. Heritage assets are irreplaceable and great weight should be given to their conservation having regard to paragraph 199 of the Framework and the statutory duty to preserve or enhance CA's. Accordingly, there are no public benefits that outweigh the less than substantial harm to the CA.
11. I therefore find that the proposal would conflict with the requirements of Policies S.DH1 and S.DH3 of the Council's Local Plan (2020) (LP) which, amongst other things, broadly seek high quality design.

Living Conditions

12. The attached building to the north at Medway Buildings has roof lights which would be close to the proposed roof structure. However, they are angled, in the main, to face toward the sky and as such the roof structure's physical presence would have a limited impact on rooms served by these roof lights.
13. I have no substantive evidence that the proposal would result in any significant loss of daylight or sunlight to neighbouring properties or gardens. The proposal would be clearly visible from the mews courtyard amenity space. However, this area is already a tightly knit environment from the presence of other buildings. As such, the change in outlook, whilst out of keeping with the character of the mews buildings, would not be so oppressive that it would be significantly harmful to living conditions.

14. The proposal would result in windows overlooking rear gardens and, at angles, toward the rear elevations of the terrace properties along Lyal Road and Medway Road. Moreover, there would be overlooking of the amenity space within the mews courtyard and toward the mews building on the other side of the courtyard.
15. However, a degree of overlooking in residential areas, such as this, is not unusual and some overlooking currently occurs from the first floor windows. This also occurs from the terrace properties which, in some instances, include mansard roofs with windows facing toward the mews buildings. In this context, the introduction of windows in the roof would not lead to a significant increase in overlooking.
16. Drawing the above together, overall, I find that the proposed development would have an acceptable effect on the living conditions of the occupiers of neighbouring properties with particular reference to outlook, light and privacy. I therefore find no conflict with the requirements of Policy D.DH8 of the LP, which, amongst other things, stipulates that development is required to protect the extent of the amenity of existing buildings and their occupants.

Conclusion

17. For the reasons given above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR