



Appeal Decision

Site Visit made on 19 October 2021

by Bhupinder Thandi BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 November 2021

Appeal Ref: APP/E5900/W/21/3270877

242 Hackney Road, London E2 7SJ

- 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 AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Cyntra Properties Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/20/02275, dated 25 October 2020, was refused by notice dated 24 December 2020.
 - The development proposed is construction of 8 additional flats over 2 additional storeys to be accommodated on top of an existing detached mixed use building with A1 at ground floor level and 3 upper floors containing 14 no. flats.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.
3. Under Article 3(1) and Schedule 2, Part 20, Class AA of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) planning permission is granted for new dwellinghouses on detached buildings in commercial or mixed use, subject to limitations and conditions.
4. The prior approval provisions do not require regard to be had to the development plan. They do, however, require that regard is made to the National Planning Policy Framework (the Framework), so far as relevant to the subject matter of the prior approval.
5. The revised Framework has been published since the appeal was submitted. Both main parties have been given the opportunity to comment on this. My decision is made in the context of the revised Framework and I am satisfied that no interested party has been prejudiced by my approach.
6. The appellant has produced a planning obligation by Unilateral Undertaking (UU) under Section 106 of the Town and Country Planning Act 1990. The UU would prevent parking on the development; provision of an enlarged refuse

store; the provision of folding bicycles and bike lockers and ensures submission of a Construction Management Plan. I return to the UU later on.

Main Issue

7. The main issue is whether the proposed development would be granted planning permission by the GPDO with regard to the requirements of paragraphs AA.2.(1) (a) and (e) relating to transport and highway impacts of the development and the external appearance of the building including the design and architectural features of the principal elevation and any side elevation that fronts a highway.

Reasons

Transport and highway impacts

8. The main entrance into the apartments and bin store is located on Allgood Street. The Council raise concerns regarding the proposed facilities for waste and recycling. The building contains an internal waste storage area, and the appellant has sought to address concerns by increasing the size of the waste area so that 2 additional communal bins could be located within it.
9. Given the constrained nature of the ground floor this appears to be the only practical manner to manage waste arrangements. Despite having to make internal alterations, including moving the gas meters, the proposed waste arrangements would not be unacceptable. I am satisfied it would not result in an adverse impact on the neighbouring highway. Moreover, I note that it would not change the method of collection or the position of the doors. The UU would also commit the appellant to provide the enlarged waste facilities prior to occupation of the proposed development.
10. I note that a number of representations suggest that there is no building manager who would be responsible for rotating the bins. Despite this, I am satisfied that a condition for a waste management plan could be imposed if I were minded to allow the appeal to ensure satisfactory facilities for residents.
11. Turning to cycle storage, this is located within the basement and both main parties acknowledge that it is in high demand. The Council have indicated that the required additional spaces proposed by replacing the existing cycle stands with wall mounted racks is not supported as it is not convenient and not inclusive to all users. I share the Council's concerns in this regard.
12. The appellant has sought to address the Council's concerns by installing a locker for folding bicycles and to provide folding bicycles for the new apartments and leaving the existing cycle storage untouched.
13. I note there are constraints in providing the racks preferred by the Council. I also note that the site is located within an accessible location with a wide range of day-to-day services and facilities that future occupiers would be able to reach on foot. Moreover, there is further transport choice in the form of buses and overground railway and underground stations within close proximity providing future occupants with transport options.
14. The UU would commit the appellant to providing folding bicycles and lockers. In my view, given the limited space available within the building the proposed folding bicycles and lockers would not be unacceptable. Given the site's

location it would be perfectly feasible for occupants to live in the proposed development without the need for their own bicycle but utilising the folding bicycles provided, and who would be able to travel for work, services or leisure by public transport or on foot.

15. The proposed development makes no provision for on-site parking and there is the potential for it to generate demand for additional on street parking within a controlled parking zone. The appellant has provided a UU as the mechanism to ensure that the development would be car-free. Whilst the UU prevents parking from taking place on any part of the development it does not prevent future occupants from obtaining new or additional parking permits.
16. Consequently, the proposal would not deliver a car free development and would serve to increase parking pressure in the area. Accordingly, the proposal would have a significant and demonstrable adverse impact on transport and highway matters failing to comply with the provisions of AA.2.(1)(a) of the GPDO.

External appearance of the building

17. The appeal site is located along a densely developed road, characterised by historic development on narrow and small plots and modern large-scale developments with pockets of green space. The diverse range of buildings of varied ages, scales, forms and architecture contribute to the area's urban grain. The property is located opposite a statutory listed terrace of late Georgian houses largely still retaining their long front gardens and the Hackney Road Conservation Area (CA) which derives its significance from its historic environment.
18. The appeal property is a modern four-storey mixed use development on the corner of Hackney Road and Allgood Street. The external appearance of the building includes expanses of glazing, blue brick, render and timber cladding.
19. The Council have raised concerns that the proposed development would adversely affect the setting of nearby statutory listed buildings and the CA. The wording in the context of paragraph AA.2.(1)(e), in my view, suggests a relatively narrow assessment as to the external appearance of the proposal itself, including the design and architectural features, rather than its effect on the wider area.
20. The principle of upward extensions is established by the GPDO. The increased height and a taller building are an inevitable consequence and has to be interpreted as not being inconsistent with the street scene and wider area for the purposes of Part 20, Class AA.
21. Even if I were to agree that consideration of the effect of the proposal on the wider area is a relevant consideration, in regard to this matter the appeal property and the listed buildings are only revealed in limited close-range views from Hackney Road, in part due to the separation between the buildings and the presence of trees.
22. The overall height and form of the proposal would not be out of keeping with the built form in and around the CA which varies considerably from low rise to tall modern developments. In addition, the intervening highway and set back of the terrace from the road results in visual and physical separation between the proposal and nearby heritage assets. As such, the proposed development

would not unduly dominate the surrounding built environment or the setting of nearby listed buildings or the CA. Consequently, I find that the external appearance of the proposed building would be acceptable.

Other Matters

23. I note that representations were made by local residents raising additional concerns. However, given my findings on the main issue, it is not necessary to consider these matters in detail.

Conclusion

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

B Thandi

INSPECTOR