



Appeal Decision

Site visit made on 17 May 2021
by C Rafferty LLB (Hons), Solicitor

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 January 2022

Appeal Ref: APP/E5900/W/20/3264311

1 – 4 Hollybush Place, London E2 9QX

- 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 Mr Alan Simmons (Archiplan) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/01172, dated 2 June 2020, was refused by notice dated 5 October 2020.
 - The development proposed is a third floor extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council's decision notice refers to Policies 3.5, 7.4 and 7.6 of the London Plan (2016). These policies have now been superseded by the new London Plan adopted in March 2021. The main parties were given the opportunity to comment on the updated position and these comments have been taken into account in this recommendation. The appellant suggests the new London Plan should not be given credence because it was published after the appeal was submitted, however appeals must be determined in accordance with the policies in force at the time the decision is made, not when the application or appeal is submitted. The London Plan 2021 forms part of the development plan, and the relevant policies have therefore been used in this decision.
4. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). The main parties have been provided with a further opportunity to make submissions in respect of the publication.
5. The appellant submitted additional drawings as part of the appeal. One shows the heights of the appeal building as existing and as proposed¹, seeking to address the Council's concerns about the dimensions given the difficulty of scaling accurately from the original plans. The Council has had the opportunity

¹ THTH/20/02/21

to comment on this plan, and as it does not amend the scheme I do not consider that anyone would be prejudiced by my accepting it. A further drawing² has been submitted purporting to show the relationship with other approved schemes, however I cannot be certain of its accuracy and as such I have treated it as illustrative only. Similar drawings³ have been submitted showing a different scheme, however as that was the subject of a separate appeal⁴ I have not had regard to those drawings when making my decision.

Main Issue

6. The main issues are the effect of the proposed development on the character and appearance of the host property and the surrounding area; the effect of the proposed development upon the living conditions of future occupants with regard to ceiling height; and whether the proposed development would make suitable provision for cycle and refuse storage facilities.

Reasons for the Recommendation

Character and appearance

7. The appeal site comprises a three-storey terraced building of simple shape and design in a narrow street. Following a recent extension it now stands one storey taller than its neighbour, which appears dwarfed between the property and another building. An additional storey is proposed to the appeal property, spanning most of its width with the remaining space to be used as a terrace.
8. The proposal would be a prominent addition, introducing significant bulk to the building. Because it would be set in from one end of the building, it would disrupt the simple, rectangular shape of the property. It would fail to respect its character or proportions and thereby result in a building that would not be of appropriate height in the site's current context. With regards to construction materials, while limited information is provided on the submitted plans and application form, these could be dealt with by way of condition if permission were granted.
9. Nevertheless, the resulting development would also be significantly higher than the other buildings in the terrace, towering above the remainder of the row and further exacerbating the difference in scale with its immediate neighbour. Due to the increased scale, the property would dominate the streetscape and appear out of place in the terrace. It would fail to complement the immediate surrounds and appear overdeveloped in this context, with its scale further highlighted by the narrow nature of the street.
10. The appellant has referred to No. 4A Hollybush Place, which in 2015 was granted planning permission for a rooftop extension. However, this permission appears to have lapsed and, in any event, would not have resulted in a building of the same scale and prominence in the street scene as is proposed here. In addition, the appellant refers to approved schemes for taller developments at Nos. 10 – 14 Hollybush Gardens and the Council also refers to No. 5 Hollybush Place. However, as these are yet to be constructed they do not currently form part of the immediate site context, and there is no certainty that they will be built out. I therefore attach limited weight to these permissions, and the potential for taller development to

² THTH/20/30

³ THTH/02/03/15 and THTH/20/03/13

⁴ APP/E5900/W/21/3272255

come forward nearby at some point in the future does not outweigh the harm that would result now from the proposal.

11. For the reasons given above I find that the development would be harmful to the character and appearance of the host property and surrounding area. As such, it would fail to accord with Policy D3 of the London Plan 2021 and Policy S.DH1 of the Tower Hamlets Local Plan 2031, adopted January 2020 (THLP), which together seek to promote good design. It would also fail to accord with paragraph 12 of the Framework which requires developments to add to the overall quality of the area.

Living Conditions

12. Minimum space standards are now found in Policy D6 of the London Plan (2021) and require at least 75% of the floor area of a dwelling to have a ceiling height of at least 2.5 metres. This is the same requirement as in the 2016 London Plan.
13. The Council contends that the plans submitted were incorrectly scaled such that it cannot be concluded that the proposal meets this requirement. The appellant agreed there was inaccurate scaling caused by downloading the plans and submitted hard copies to the Council to address this, however no such hard copies are before me, and I must therefore base my recommendation on the plans provided.
14. The additional plan submitted with this appeal shows a 2.5m difference between the floor height of the proposed extension and the top of its roof. As the construction of the roof would have to take up some of this space, it follows that the internal dimension, the ceiling height, of the proposed extension would be less than 2.5m. No dimensions of the existing top floor of the building have been provided on this drawing, and there are difficulties in scaling accurately from the other elevation drawing. Therefore, I cannot be certain that this floor would meet the minimum space standard with regard to ceiling height.
15. If the appeal were allowed the development would have to be carried out in accordance with the submitted plans, therefore I cannot accept the appellant's written assertions that the ceiling heights will be 2.5m. If an increase in height of the building were needed to achieve this ceiling height this would require further consideration of the consequent impacts, and opportunities would need to be provided to interested parties to comment on the change if they wished. Therefore, it would not be reasonable to impose a condition requiring the ceiling heights to be 2.5m.
16. The proposal would therefore conflict with Policy D6 of the London Plan (2021), which seeks to ensure that new dwellings provide adequate living conditions for future occupiers.

Cycle Storage Provision

17. The explanatory text to Policy S.TR1 of the THLP states development should provide relevant on-site infrastructure such as bicycle storage in encouraging sustainable transport choice. Although a bin/cycle store is shown on the proposed site plan, this lies outside of the red line that defines the appeal site and there is no compelling evidence before me that the appellant has control over this land. Therefore, I cannot be certain that this store could be provided.

18. Planning permission was granted for the existing flat without any requirement for cycle parking. However, since that time a new local plan has been adopted and there is no evidence before me as to why cycle storage would not be needed for this scheme, particularly considering the additional bedroom now proposed. Although the appellant has stated that cycle storage could be provided, no submitted details allow me to assess the suitability of such storage and I therefore cannot be certain that adequate provision could be made. Therefore, cycle storage could not reasonably be secured by condition
19. The proposal would therefore conflict with Policies S.TR1, D.TR2 and D.TR4 of the THLP, which together seek to encourage sustainable transport choice and to avoid significant impacts to the surrounding transport network.

Refuse Provision

20. Policy D.MW3 of the THLP and associated Appendix 4 set out the requirements for waste storage capacity within new development. The appellant has not provided specific details of where this capacity could be provided, however I am mindful that the previous planning permission for a flat at the site did not require details of refuse and recycling storage to be submitted. The proposal represents an additional bedroom and therefore larger storage capacity would be required than under the previous approval. However, it appears that sufficient internal space could be made available, given the floor area of the proposed extended flat, and this could be secured by condition.
21. The proposal would therefore comply with Policies D.DH2(g) and D.MW3 of the THLP, which seeks to ensure sustainable management and collection of waste.

Other matters

22. I recognise that there are no objections from neighbouring residents with regards to the land use element of the proposal. However, the lack of objections does not justify the harm identified above.
23. The proposal would introduce additional living accommodation, however it would only provide one additional bedroom compared to the 2-bedroom flat previously approved. Therefore, its contribution in this regard would be limited and is not sufficient to outweigh the harm identified above.
24. From the evidence before me, including my observations on site, due to the distance between the site and heritage assets, and the intervening railway, I consider that the proposal would preserve the character and appearance of the Bethnal Green Gardens Conservation Area and would not adversely affect the setting of the listed terrace and railings at Paradise Row or any features or special architectural or historic interest which they possess.

Conclusion and Recommendation

25. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given above, I therefore recommend that the appeal is dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

26. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree that the appeal should be dismissed.

L McKay

INSPECTOR