



Appeal Decision

Site Visit made on 12 October 2021

by L Douglas BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th March 2022

Appeal Ref: APP/E5900/W/18/3214931

9 William Place, London E3 5ES

- 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 Ann Tang against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/18/00230, dated 24 January 2018, was refused by notice dated 6 August 2018.
 - The development proposed is 'Extension at roof level to provide two self contained 1-bed Flats'.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The policies on which the Council based their decision to refuse planning permission no longer form part of the development plan. Since the Council issued its decision the Tower Hamlets Local Plan 2031 (2020) (LP) has been adopted, and the policies therein now form part of the development plan. The Council provided a list of the new development plan policies which supersede the former policies, and the appellant was provided with an opportunity to comment on these. I have therefore based my decision on the development plan policies in effect at the time of issuing this decision.

Main Issues

3. The main issues are: the effect of the proposed development on the character and appearance of the Roman Road Market Conservation Area (CA); the effect of the proposed development on the living conditions of the occupants of neighbouring flats, with particular regard to outlook and light; and whether the proposed development could provide suitable refuse storage and bicycle parking facilities.

Reasons

Character and Appearance of the CA

4. The appeal site comprises a three-storey modern terraced building occupied by four flats over first and second floor levels and two commercial units at ground floor level. The commercial units front onto Roman Road, which forms the focus of the CA with its long, narrow street markets. The buildings that line Roman Road are modest in appearance and vary in age and appearance. They are generally 2 – 3 storeys in height and modern in appearance, but there are examples of older Victorian buildings and four storey contemporary buildings

too. The significance of the CA derives from its layout as a market street enclosed by modest buildings with small shops at ground floor level. In this context the existing upper floors of the appeal building are typical of the plain modern three storey buildings that make a neutral contribution to the significance of the CA.

5. The proposal would increase the height of the appeal building by one floor, which the proposed elevation plans show would remain below the highest point of the neighbouring building to the west. The third floor of that building is stepped back from Roman Road, ensuring its mass is largely contained within the centre of the building. In contrast, the proposed third floor would be set back only slightly from the appeal building's front elevation, behind a proposed balcony which would be flush with the front elevation.
6. The mass of the proposed extension would be seen in clear views from the east along Roman Road, where it would appear as a discordant feature in the street scene. Views from the west would be more restricted and would be seen with the backdrop of buildings of similar heights to the east, but it would remain prominent within the terrace. Its side elevations would be partially finished with brickwork to match the existing front elevation, alongside standing seam zinc cladding, which would also be used to finish the proposed front elevation and roof. This choice of materials would soften its visual impact but would not prevent the proposal from appearing overly dominant and of significant bulk in views along Roman Road.
7. Although the CA is made up of a mix of buildings of different ages and appearance, the proposed extension would not refer to the higher quality buildings nearby. It would instead draw attention to the appeal building and appear as a poorly designed extension out of scale with the rest of its terrace, and therefore cause harm to the character and appearance of the CA. This would conflict with Policies S.DH1 and S.DH3 of the LP, which require development to meet the highest standards of design which respects and positively responds to its context and preserves or enhances the character or appearance of conservation areas, amongst other things.

Living Conditions

8. The proposed third floor would mirror the second floor of the appeal building, following the existing 'U' shape. The patios serving the first-floor flats would therefore be enclosed by an additional storey on three sides. The patios are already enclosed by a single storey, but there would be a significant change to the outlook enjoyed by the occupants of the first floor flats by adding an additional storey to the appeal building. This would further enclose and reduce outlook from those patio areas which form an important outside space for those occupants.
9. I have not been presented with any detailed assessments of the effect of the proposal on the levels of light that would be received by the flats. However, on account of the existing layout and orientation of the building, I do not consider it likely that there would be any significant loss of light to the windows or patios of the existing flats or any other neighbouring properties.
10. The proposal would therefore reduce the outlook of residents of the existing first floor flats to an extent which would harm their living conditions, but it is unlikely that there would be any loss of light sufficient enough to cause

material harm to the living conditions of neighbouring residents. This would conflict with Policy D.DH8 of the LP, which requires, amongst other things, development to protect the amenity of the occupants of existing buildings, which should avoid unacceptable increases in the sense of enclosure.

Refuse and Bicycle Facilities

11. The plans do not show any arrangements for refuse storage or bicycle parking facilities to serve the two proposed flats. No such facilities are marked on the existing plans serving the first and second floor flats, although I note two storage cupboards are shown to exist at ground floor level. The appellant's Statement of Case explains that the storage cupboards are a designated area for bins and that there is provision for bicycle storage underneath the staircase at ground floor level. However, no detailed plans have been submitted to demonstrate such spaces would be of sufficient size to serve the proposed flats in addition to the existing flats within the appeal building.
12. I am satisfied that there would be sufficient space within the appeal building, including at ground floor level within the existing storage cupboards and underneath the staircase, to accommodate refuse storage facilities to serve the proposed flats, and further details in this regard could be required by condition. However, in the absence of any detailed plans or information to convince me otherwise, I do not consider it likely that sufficient space exists at ground floor level to provide bicycle parking facilities in addition to refuse storage space to serve the proposed flats. It would be impractical for bicycle parking facilities to be provided above ground floor level due to the layout of the staircase and I have not been provided with details of any alternative bicycle storage facilities elsewhere.
13. The proposal would therefore fail to accord with Policies D.TR3 and S.TR1 of the LP, which require development to prioritise the needs of cyclists and provide one bicycle parking space per one-bedroom unit, amongst other things.

Conclusion

14. The proposal would harm the character and appearance of the CA, harm the living conditions of neighbouring residents, and fail to provide appropriate bicycle storage facilities in conflict with the development plan taken as a whole. There are no material considerations that indicate my decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

L Douglas

INSPECTOR