



Appeal Decision

Site visit made on 8 March 2022

by Katie McDonald MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd March 2022

Appeal Ref: APP/E5900/W/21/3279959
411-415 Roman Road, London E3 5QS

- 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 Hasnain against the decision of the London Borough of Tower Hamlets.
 - The application Ref PA/21/01087, dated 11 May 2021, was refused by notice dated 7 July 2021.
 - The development proposed is mansard extension consisting of 2X2 Bedroom, 1X3 Bedroom flats together with on the ground and first-floor alterations including conversion 3X1 Bedroom flats.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - a) The effect of the proposal on the character and appearance of the Driffield Road Conservation Area, the host building, terrace row and street scene.
 - b) Whether the proposal would provide acceptable living conditions for future occupiers, with regard to internal space, outlook, sunlight and daylight and refuse storage.
 - c) The effect of the proposal on the living conditions of the occupants of 2 Ellesmere Road, with particular reference to outlook, privacy and sunlight.
 - d) Whether the proposal would promote sustainable travel choices, with specific regard to cycle storage.
 - e) Whether the proposed mix of units would meet local housing need.

Reasons

Site description and proposal

3. The site relates to a group of 3 mid terraced 2 storey buildings located on the northern side of Roman Road, an urban area of east London. The ground floor frontage contains commercial units, No 411 being a hair salon and 413-415 being part of a retail unit. The ground floor frontages also contain entrances to first floor flats. The upper floor of each building contains 2 windows, No 411 is faced with London stock brick, with the windows featuring an arched soldier course header. No 413 has painted brick with a stucco cornice parapet detailing, and stucco windows surrounds, and No 415 has a rendered upper floor, also with a similar stucco cornice parapet detailing and window surrounds.

4. The properties have all been extended at the rear, both single and 2 storey. Part of No 411's extension projects to the rear boundary being 2 storeys in height. No 413 has a part 2 storey v shaped, part single storey extension with roof terrace, projecting at single storey height to the boundary. No 415's extension projects to the rear boundary, also being part 2 storey, part single storey with a roof terrace. The rear boundary of the properties adjoins the side boundary of 2 Ellesmere Road. Aside from the corner property, the row contains no mansard roof extensions, and except for Nos 411 and 415, the rest of the row has London roofs. Nos 411 and 415 have flat roofs from being previously extended.
5. The proposal is for a flat roofed mansard extension across all 3 properties, to create additional flats at the second floor. It would span from the front wall back to the extended 2 storey rear wall of No 411 and No 415, infilling the roof terrace of No 413 to create a new flat. There would also be alterations to the front elevation at ground floor, and internal re-configuration is also proposed to create waste and cycle facilities at ground floor. Overall, the proposal would create 4 new flats, 3 at the second floor and one on the first floor, with there being 10 flats overall.

Character and appearance

6. The site is within the Driffield Road Conservation Area, the significance of which is derived from a homogenous layout of small scale streets, containing uniform mid-nineteenth century terraces. The clear definition of the streets and the character of the nineteenth-century terraces creates many high quality long views, such as along Roman Road. Furthermore, there is a historic roof-scape where almost all the terraces have London roofs, producing a hard, straight edged appearance to the buildings and a strong silhouette. Coupled with the long views, the features form important architectural and distinctive characteristics of the Conservation Area. The site positively contributes to this character and appearance of the conservation area, particularly at the upper floors and parapet roof details, and the prevalence of the London roof to No 413.
7. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Paragraph 199 of the National Planning Policy Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
8. The massing and depth of the extension would be significant, covering not only the original properties, but also the extensions to the rear, being around 17m deep. Whilst it would be marginally set back from the parapet at the front, it would nevertheless be an extremely bulky, cumbersome and lengthy roof extension, resulting in an enormous, dominant, unsympathetic mass of flat roofed development. It would also be noticeably deeper than the adjoining corner plot mansard, which I suspect is only this size due to its corner location. The proposal would be at odds with the distinctive roof scape of the

Conservation Area, terrace row and street, along with the management guidelines¹, appearing discordant and inappropriate.

9. The design of the mansard at the front elevation would contain 9 windows, placed in twos with one at the eastern end on its own. The placement of the windows would pay little respect to the existing 6 first floor windows, which are spaced regularly, uniform and in context with the rest of the terrace row. The fenestration at the front would be cluttered, out of character and markedly incongruous, even if the parapet may obscure parts from street view. To the rear, the windows in the mansard would be larger than those on lower floors, appearing top heavy and dominant. The windows on the rear of No 415 would also be poorly articulated, being offset from the first floor windows, and the western most window in the rear of No 411 would be squashed in.
10. The continuous design of the mansard, with no party walls to separate the units would create a solid mass at the second floor level with no relief, even if the dormers were faced with slate. This would negatively impact upon the consistency of the street scape and is at odds with the management guidelines. The management guidelines also seek to ensure that where a mansard roof extension is constructed the V-shaped parapet wall should be retained at the rear. Not only would the proposal remove the London roof from No 413, but it would also obliterate any remains of it, given the depth of the mansard would extend way beyond the original rear wall. These elements would be harmful and unsympathetic.
11. Therefore, whilst the Council's guidance on mansards directs that this row could have the potential for mansard roof extensions, the design and massing of this proposal would be wholly unacceptable and detrimental, failing to preserve the relevant defining characteristics of the conservation area, particularly the long ranging views and the roofscape. This would lead to less than substantial harm to the significance of the designated heritage asset, to which I give considerable importance and weight.
12. Consequently, the proposal would have a harmful effect upon the character and appearance of the Driffield Road Conservation Area, the host building, terrace row and street scene. This is contrary to Policies D4 and HC1 of the London Plan (March 2021) (LP), Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 (January 2020) (THLP). These policies seek to deliver high quality, good design, preserving the significance of heritage assets with sympathetic development that respects and positively responds to its context.
13. It would also be contrary to the Driffield Road Conservation Area Appraisal and Management Guidelines (2017), which aims to define the qualities and features that make the Conservation Area special and provide guidelines for development.

Future living conditions

14. The new flats would be located on the second and first floor, with the creation of one additional flat at first floor and 3 at second floor. The additional flat created at first floor is because of the extension and reconfiguration such that one flat has been essentially split into 2. All the flats would have a single

¹ Driffield Road Conservation Area: Character Appraisal and Management Guidelines (June 2017)

aspect outlook and the proposal is not supported by a daylight or sunlight report.

15. Proposed Flats 1 and 2 on the first floor would contain no windows to the living area, with only a window to the bedroom and kitchen area facing northwards or southwards respectively. These living areas would receive very little natural light, and whilst it would be similar to the living conditions for the occupiers of the existing flat to No 413, these current occupiers have access to outdoor space. This would be removed by the proposal, and the layout proposed would create an oppressive, dark and gloomy living environment with no relief. This would be considerably worse for proposed Flat 1 given the north facing windows. The reconfiguration would also result in the existing flat 4 having a similar oppressive living space.
16. The proposed flats 3 and 5 to the second floor would contain roof lights over the kitchens and living areas that would enable natural daylight to penetrate. Nevertheless, there would be no outlook from these living and kitchen areas, and this would provide poor future living conditions. This is a direct result of the overall scale and bulk of the proposal being so large.
17. Therefore, 4 of the flats and one of the re-configured flats would provide poor living conditions for the future residents. The new and existing habitable rooms would have no outlook, in direct conflict with Policy D.DH8 of the THLP. I also remain unconvinced that the dwellings would be provided with adequate levels of daylight and sunlight, especially those with the north facing windows.
18. I recognise that the proposal may provide better accommodation than the existing flats, resolving level changes and removing wasted space, however, this would not outweigh the overwhelming failure to provide acceptable living conditions for most of the future residents.
19. The refuse storage would be at ground floor, in a contained space of around 12 square metres. There is no detail provided to ascertain if this would provide suitable space for refuse storage for all 10 flats, considering there would be a need for recyclables. Furthermore, locating the waste storage in the middle of the ground floor with no windows or apparent ventilation would be highly likely to lead to odour issues. It would also be in a cumbersome location and extremely difficult to manoeuvre bins through the 1m wide communal entrance hall to outside for collection. Thus, I consider that the refuse storage would be completely inadequate.
20. Consequently, the proposal would fail to provide acceptable living conditions for the future occupiers. This is contrary to Policies D.DH8, S.MW1 and D.MW3 of the THLP, which seek to ensure developments are well designed (both internally and externally) to enable residents and occupants to enjoy a good level of amenity, providing sufficient accessible space to separate and store waste. It would also conflict with the Mayor's Housing Supplementary Planning Guidance (2016), which seeks to provide suitable internal living conditions.
21. However, despite the reason for refusal, the proposal appears to provide accommodation sizes that comply with the national Technical Housing Standards (2015).

Living conditions of the occupants of 2 Ellesmere Road

22. The private rear garden of No 2 shares its southern side boundary with the rear boundary of the site. No 413 directly faces a patio area, with No 411 facing the rear outrigger and No 415 facing the garden area. The proposal would be around 6m away from the rear garden of No 2. The scale, width and tall height of the proposal and its proximity to the rear garden of No 2 would be imposing, looming over the property's rear garden area and outrigger. This would create an unacceptable sense of enclosure and dominance for the existing occupants.
23. Furthermore, the elevated location, proximity, large size and high number of windows at the second floor would result in direct overlooking into the rear garden and rear facing windows of No 2. This would be harmful to the amenity of the occupants of No 2, failing to maintain good levels of privacy. Whilst I have no sunlight of daylight studies, the location of the proposal to the south may also result in some loss of direct sunlight, particularly in winter months to the private rear garden and rear facing rooms. This could also be harmful to the living conditions of No 2.
24. Consequently, the proposal would have an unacceptable effect upon the living conditions of the occupants of No 2. This is contrary to Policy D.DH8 of the THLP, the aims of which are set out above.

Sustainable travel choices

25. The cycle storage would be provided at ground floor. It would be located under the stairs in a space that would be around 1m wide with a reducing height. This would be wholly inadequate to serve the residents of the 10 flats, with the Council setting out that 9 long stay cycle spaces would be required. The proposal would give no priority to space for cycle parking, and I doubt no more than 2 cycles could be stored under the stairs. Given the new dwellings would be required to be permit-free in terms of on-street parking, the provision of adequate cycle storage would be essential to provide suitable transport options.
26. Therefore, the proposal would fail to promote sustainable travel choices, with specific regard to cycle storage. This conflicts with Policy D.TR3, which seeks to ensure that parking is controlled and managed on street to facilitate sustainable travel patterns and address congestion.

Local housing need

27. The plans before me indicate that the site currently contains 4 studio flats (2 at ground floor and 2 at first floor) and 2, 2 bed flats at first floor. The proposal would retain the 4 existing studio flats, but would create 3, 1 bed (1 person) flats at first floor; 2, 2 bed (3 person) flats and one 3 bed (6 person) flat at second floor.
28. Whilst the Council's officer report concludes that there would be an increase in studio flats by 3 units, I disagree that this would be the case. That said, there would be 3, 1 bed, 1 person flats created from the reconfiguration. The existing 2 bed flats would be replaced with the 2 bed flats at the second floor. Therefore, overall, the newly created units would comprise 75% 1 bed and 25% 3 bed. This would not meet the Council's local housing needs of affordable family housing, nor the table identified within Policy D.H2, which requires a tenure split of 30% 1 bed, 50% 2 bed and 20% 3 bed. Even overall, the 10

units would result in 70% 1 bed (including the 4 studios), 20% 2 bed and 10% 3 bed. This would also not comply with the Council's identified tenure split.

29. Consequently, the proposed mix of units would fail to meet local housing need, providing a high number of single units rather than the much needed family homes. This would be contrary to Policy D.H2 of the THLP, which seeks to ensure new housing maintains mixed, balanced and stable communities across Tower Hamlets, delivering the right range of housing products to meet locally assessed need.

Planning Balance

30. The proposal would create 4 new flats, which would contribute towards the pressing housing need in London. However, the proposal would fail to provide suitable future living conditions for most of the future residents, such that the benefit of new housing becomes much reduced. Thus, the public benefits would not outweigh the less than substantial harm to the significance of the designated heritage asset.
31. Furthermore, there would be harm to the living conditions of the occupants of 2 Ellesmere Road, the proposal would not provide suitable cycle storage nor provide accommodation that meets locally identified housing need. All these matters conflict with the development plan as a whole.

Other Matters

32. Three other appeal decisions on the same street for similar proposals are referred to by the appellant, all of which were allowed. However, no specific details are provided apart from the reference, address and proposal. Therefore, I do not know the specific circumstances in which they were allowed and as each appeal turns upon its own merits, I have assessed this proposal based on the evidence before me. Moreover, the fact that other developments may have been permitted is not a reason, on its own, to allow unacceptable development and this does not lead me to reach a different conclusion on the matter.

Conclusion

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

Katie McDonald

INSPECTOR