
Appeal Decision

Site visit made on 4 April 2022 by N Unwin BSc (Hons) MSc

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/E5900/D/22/3292738

59 Manchester Grove, London E14 3BG

- 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 Tao Zhang against the decision of London Borough of Tower Hamlets.
 - The application, Ref. PA/21/02396, dated 1 November 2021, was refused by notice dated 21 January 2022.
 - The development proposed is a single storey side extension and attic conversion.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey side extension and attic conversion at 59 Manchester Grove, London E14 3BG in accordance with the terms of the application, Ref. PA/21/02396, dated 1 November 2021, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Elevations ref. 59MG E02 and Existing and Proposed Floor Plans ref. 59MG P01A.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing host dwelling.

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.

Preliminary Matters

3. The name of the appellant differs between the application and appeal forms. The agent has confirmed the correct name of the appellant, which has been used in the banner heading above.

Main Issue

4. The main issues to be considered are:

- Whether the proposal would preserve or enhance the character or appearance of the Chapel House Conservation Area (CA). The effect of the proposal on the living conditions of the occupants of no. 39 Manchester Road, with particular reference to privacy.

Reasons for the Recommendation

Conservation Area

5. The Chapel House Conservation Area Character Appraisal comments that the area is characterised by groups of terraces of a modest character, fine proportions, and traditional materials. These terraces are set back from the highway with front gardens and street trees. Each terrace forms a separate block set beneath a single uniform roof line, with the space around the blocks fundamental to the legibility of the layout.
6. The appeal property is a traditional two storey end terrace located within the CA. A small garden area sits between the front elevation and the highway. The adjoining row of terraces matches that of the host dwelling with respect to materials, ridge and building lines, and relationship with the street scene. These attributes make a positive contribution to the character and appearance of the CA.
7. An existing small extension is located on the side elevation of the host dwelling. As seen during my site visit, there is a noticeable variation in the scale of side extensions within the area. However, most appear to be subservient to the existing dwelling, constructed of matching materials, and retain the existing building line. This allows these additions to preserve the character and appearance of the host building and CA.
8. The proposal would see the replacement of the existing side extension with a larger single storey side extension. The proposal would be modest in scale remaining subservient to the host dwelling, utilise matching materials, and retain the existing building line and relationship to the street scene. The roof would slope away from the host dwelling, reducing the bulk of the proposal as it extends into the side garden retaining this sense of space around the block of terraces.
9. The Local Planning Authority raised concerns regarding the relocation of the front door from the side elevation, which they considered to form a unified character of the surrounding dwellings. The location of the primary entrance is not a defining characteristic of the CA. As such, the proposed location of a front door within the principal elevation would not cause harm to the character or appearance of the CA.
10. In conclusion, the proposed development would protect the defining characteristics of the Chapel House Conservation Area, preserving the heritage asset. In this respect the proposal would comply with the objectives of Policy S.DH1 of the Tower Hamlets Local Plan 2031 (2020) and Policy D4 of the London Plan (2021) which require the maintenance of high-quality design, and Policy S.DH3 of the Tower Hamlets Local Plan 2031 (2020) which requires proposals to preserve the borough's designated heritage assets.

Living Conditions

11. The proposal would involve the insertion of two rooflights within the roof slope of the side elevation of the host dwelling. The proposed rooflights, by their nature, would offer oblique downward views. The close proximity of the side garden of no. 39 to the side elevation of the appeal property would further limit any views of this area from the proposed rooflights. As such, there would be no unacceptable loss of privacy due to overlooking.
12. For the above reasons, I consider that the proposed development would be acceptable in terms of its effect on the living conditions of no. 39. The proposal would therefore comply with Policy D.DH8 of the Tower Hamlets Local Plan 2031 (2020) which among other things aims to maintain good levels of privacy and avoid an unreasonable level of overlooking.

Conditions

13. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans and a condition requiring the external materials used match that of the existing dwelling. These conditions are required to preserve the character and appearance of the Conservation Area.
14. The Local Authority's Environmental Protection Officer recommended a condition limiting construction hours. Construction hours can be controlled by the Local Authority through other legislation and therefore a condition limiting construction hours is not considered necessary in this instance.
15. The Local Authority's Environmental Protection Officer recommended a condition relating to land contamination. No evidence has been presented to me of potential contamination of the proposed site, therefore the condition is not considered necessary or relevant to the development in this instance.

Conclusion and Recommendation

16. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

N Unwin

APPEAL PLANNING OFFICER

Inspector's Decision

17. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR