



Appeal Decisions

Site visit made on 26 April 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19/05/2022

**Appeal A: Appeal Ref: APP/E5900/W/21/3284304
629-631 Roman Road, London E3 2RN**

- 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 A Hussain of Cedargate Developments against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/01491, dated 21 June 2021, was refused by notice dated 24 September 2021.
 - The development proposed is roof extension to create a new third floor 2-bedroom flat to include four timber sash, double glazed windows on the Roman Road frontage with yellow stock brick to match the existing elevations. The roof extension would contain an internal courtyard in the centre of the roof.
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**Appeal B: Appeal Ref: APP/E5900/W/21/3284313
629-631 Roman Road, London E3 2RN**

- 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 A Hussain of Cedargate Developments against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/01410, dated 21 June 2021, was refused by notice dated 8 September 2021.
 - The development proposed is roof extension to create a new third floor resulting in one additional apartment.
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Decision

Appeal A: Appeal Ref: APP/E5900/W/21/3284304

1. The appeal is dismissed.

Appeal B: Appeal Ref: APP/E5900/W/21/3284313

2. The appeal is dismissed.

Preliminary Matter

3. In respect of Appeal A, the description of the development provided on the planning application form has been replaced by an amended version on the decision notice and the appeal form. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

4. In respect of both appeals, the main issue is the effect of the proposal on the character and appearance of the Roman Road Market Conservation Area.

Reasons

5. The appeal site is a 3-storey building with a commercial unit on the ground floor and residential uses above. It has recently been extended upwards from a 2-storey building, and the new extension matches the fenestration of the second storey as well as the roof line of an immediate adjoining property.
6. The site is within the Roman Road Market Conservation Area (CA), and the CA Appraisal¹ sets out that its character is defined by the lively street market and the streetscape of small retail shops and modest houses which enclose it. The CA Appraisal also refers to varying forms of built development of between 2-4 storeys which define the domestic street scale. These are matters which contribute to the importance of the CA as a designated heritage asset.
7. Although the CA Appraisal refers to a mix of built forms of 2-4 storeys, the height of buildings in the CA in the vicinity of the appeal site are predominantly of 2-3 storeys. The recent extension of the building is sympathetic to this scale of the streetscape, and when viewed within the context of other buildings within the terrace it establishes a relatively consistent roofline which complements the scale and design of buildings within this part of the CA. The positive contribution of the existing building and the terrace in which it sits to the CA is emphasised further by a terrace of a relatively consistent design opposite the site. When viewed together, these terraces establish a pleasing consistency which positively contributes to the streetscape of the market and the CA.
8. That said, there is some variation in the design of buildings within the host terrace. This includes a butterfly roof, a railing on one of the roofs, and properties of less than 3-storeys including a building immediately next to the appeal site. However, these features do not fundamentally undermine the relatively consistent scale of the terrace and the contribution that the terrace and its counterpart opposite make to views along the streetscape.
9. In respect of Appeal A, it is proposed to erect a fourth storey which would be flush with the front elevation. This would use materials, windows and a roof design which would complement those of the existing building and its neighbours. However, the increase in height would be readily apparent in contrast to the neighbouring properties and the terrace opposite. This would not sit comfortably within the streetscape of this part of the CA, and would be readily apparent as a jarring and over-dominant feature. The detailed design and use of materials would not be sufficient to mitigate this incongruous appearance within this part of the CA.
10. With regards to Appeal B, this would use a mansard roof design to create the fourth storey. The mansard roof would be set behind the existing roof parapet and would be faced with natural slate, with windows that reflect the placement of those on the floors below. However, even allowing for the limited set-back, the mansard roof would be apparent as an unsympathetic increase in the height of the building, which would contrast unacceptably with the relatively

¹ Roman Road Market Conservation Area (1) Character Appraisal (2) Management Guidelines November 2009

consistent roofscape in the vicinity of the appeal site. Mansard roofs are also not common in the vicinity of the site, and the design of the proposal would therefore add to its incongruous appearance.

11. The appellant emphasises the mix of building heights and designs within the CA, including 4-storey buildings of a scale similar to those proposed and the use of mansard roofs similar to that of Appeal B. However, these are located some distance away from the site in part of the CA which is of a more mixed architectural character. These buildings do not therefore set a prevailing context for the CA as a whole which justifies the increase in height which would arise from both proposals, and the incongruous appearance of the mansard roof which would arise from Appeal B.
12. I have had regard to the Heritage Impact Assessment (HIA) submitted by the appellant, which refers to the buildings on the site as being of little or no architectural significance. However, the HIA goes on to state that the permitted redevelopment of the appeal site has significantly enhanced the character and appearance of the CA through the enhancement of the original buildings and the raising of the street front elevation to a design more in keeping with the terrace opposite. This reflects my own observations, and I consider that the increase in height which would result from both appeal proposals would significantly detract from the enhancement that has been achieved through the previous development of the site.
13. Reference has been made to a previous appeal decision² in relation to this site. The appellant submits that in reaching their decision to dismiss the appeal, the previous Inspector concluded that an additional storey to this building would not per se be harmful to the character and appearance of the CA. However, whilst acknowledging that the proposed fourth storey would be in keeping with the height of other buildings in the CA, the previous Inspector stated that the addition of a partial third floor would not be consistent with the height of the immediately adjacent development. Although the Inspector went on to make detailed observations on the design of that proposal, that was within the context of the appeal before them. Based upon what I have seen and read, I do not consider that the previous decision indicates that a further storey on this building is acceptable in principle.
14. Reference has also been made to permission granted by the Council for a four storey building at 524-544 Roman Road. This was also considered by the previous Inspector who referred to the dominant height of the surrounding buildings being three storey as well as the extension at Nos 524-544 being flush with the front of the building and of a matching design to the floors below. However, I saw that Nos 524-544 are some distance from the appeal site in a part of the CA where four storey buildings are more common, and where there is more variation in the design of buildings in that part of the streetscape. Nos 524-544 do not therefore establish a context which justifies the proposals before me.
15. There are buildings of a greater bulk and massing than the appeal proposal in the vicinity of the site along Parnell Road. However, these are located outside of the CA, and do not negate the positive contribution that the terrace containing the appeal site and that opposite make to the streetscape.

² Appeal Ref: APP/E5900/W/20/3255375

16. Paragraph 120 of the National Planning Policy Framework (the Framework) supports opportunities to use airspace above existing residential and commercial premises for new homes. However, for the reasons stated previously, the proposal would not comply with paragraph 120 in respect of being consistent with the height and form of neighbouring properties and the overall street scene in this part of the CA.
17. Drawing the above together, I conclude that both proposals would fail to preserve or enhance the character and appearance of the CA, with commensurate harm to its significance as a designated heritage asset. Whilst the harm to the CA would be less than substantial, I attach great weight to the conservation of this designated heritage asset in accordance with the Framework. I am mindful of the public benefits of the proposals, including the contribution to the supply and mix of housing in the area through the use of airspace above previously developed land in a sustainable location. However, the benefits arising from a single dwelling would be limited and would not outweigh the great weight to be given to the harm to a designated heritage asset.
18. In conclusion, both proposals would cause harm to the character and appearance of the CA. They would therefore be contrary to policy S.DH3 of the Tower Hamlets Local Plan 2020 (the Local Plan) and policy HC1 of the London Plan 2021 (the London Plan) which together seek to ensure that heritage assets are preserved or enhanced and that development proposals should avoid harm to heritage considerations. They would also conflict with Local Plan policy S.DH1 and London Plan policy D4 which require that development meets the highest standards of design quality which respects and positively responds to its context, amongst other things. The proposals would not comply with the Framework with regards to conserving and enhancing the historic environment. The proposals would also not follow the guidance of the CA Appraisal with regards to the special attention to be given to whether the character of the area is preserved or enhanced.
19. For the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

David Cross

INSPECTOR