



Appeal Decision

Site visit made on 24 May 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/E5900/W/21/3287038

42- 44 Brick Lane, London E1 6RF

- 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 N Wiesenbergh of Zolger Development Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/00328, dated 4 March 2021, was refused by notice dated 28 May 2021.
 - The development proposed is described as, 'construction of a rear extension and roof extension, including reconfiguration of existing flats to accommodate 1x one bedroom, 2x two bedrooms, 1x three bedroom and 1x studio/ 1 person flats'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the character and appearance of the area and Brick Lane and Fournier Street Conservation Area (CA);
 - whether the proposal would provide adequate provision for refuse and recycling storage; and
 - whether the proposal would provide adequate provision for cycle parking.

Reasons

Character and appearance

3. The site lies in the southern part of Brick Lane, which is a long street running from north to south. Brick Lane's character is created by a general consistency of height and architecture, especially amongst the terraces, and a rich, fine grain mix of land uses. As such, the significance of the CA lies in part in the evidence of the development of the area over a number of centuries, while retaining a general consistency. The Brick Lane and Fournier Street Conservation Area Character Appraisal refers to this part of the street and states that in the southern part of Brick Lane, the buildings are predominantly 3 storeys, creating a consistent roof line and street enclosure.
4. The proposed third floor roof extension and the rear extension has been granted planning permission. As such, I will focus my assessment on the proposed fourth-floor roof extension.

5. The site is part of a terrace that primarily consists of three storeys with mansard roofs. While there may be taller buildings along Brick Lane and on Chicksand Street, the existing building is in keeping with the modest community feel of the area that is provided by the largely three storey scale of the buildings.
6. The fourth storey roof extension would project a significant distance above the roof line of the properties immediately to either side. As such, it would disrupt the consistent roofline and appear incongruous in the terrace and wider area. While the extension would be set back from the front elevation and would be one storey higher than the approved scheme, given its height, it is likely that the additional massing would be seen in a number of views at street level. Therefore, the discordant effect that the scheme would have on the roofline of the terrace would be apparent from street level. As such, while I note the Heritage Statement and Heritage Appeal Statement, the proposal would adversely affect the modest character of the area, thereby causing harm to the significance of the CA.
7. While details of the external materials including the proposed metal cladding have not been provided, I see no reason why this particular matter could not be dealt with via a suitably worded condition.
8. Consequently, the proposed development would fail to preserve the character and appearance of the area and significance of the CA.
9. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Given the limited scale of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has not highlighted any public benefits that weigh against the harm that would be caused.
10. Given the above and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the character and appearance of the CA. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with the development plan.
11. More specifically, the proposal would conflict with Policies HC1 of The London Plan The Spatial Development Strategy For Greater London March 2021 (London Plan) and S.DH3 of the Tower Hamlets Local Plan 2031 Adopted January 2020 (LP) which together seek to preserve or enhance the significance of heritage assets.

Refuse and recycling storage

12. The number of bins in the bin store fails to meet the requirement for the number of dwellings proposed. From the evidence, the additional flat would require an extra bin to be provided. However, given the constrained size of the bin store indicated on the plan, there is no certainty that the scheme could provide additional bins. Therefore, a condition relating to bin storage would not adequately deal with this matter.

13. Consequently, the proposal would not provide adequate provision for refuse and recycling storage. Therefore, it would conflict with LP Policy D.MW3 which seeks sufficient accessible space to separate and store recyclables and waste for collection for the building as a whole.

Cycle storage

14. The appellant has provided an updated plan during the appeal which indicates 10 cycle parking spaces. Since the drawing does not significantly alter the proposal, I have assessed the scheme on this basis.
15. Therefore, from the evidence and my observations during the site visit, the proposed cycle storage area would be capable of providing adequate space for cycle storage. Furthermore, a suitably worded condition could require that adequate cycle storage facilities area provided.
16. Consequently, the proposal would provide adequate provision for cycle parking. Therefore, the proposal would not conflict with LP Policy D.TR3 which requires, among other things, development to comply with parking standards for vehicles and bicycles.

Other Matters

17. I note the Appellant's reference to the 'tilted balance' approach set out in the Framework. However, I have found that the proposal would fail to preserve the CA, a designated heritage asset. Therefore, the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development proposed. Therefore, the provisions of paragraph 11dii of the Framework are not engaged in this instance.

Conclusion

18. For the reasons given above, the proposed development would conflict with the development plan as a whole and in the absence of material considerations to indicate otherwise, the appeal is dismissed.

R Sabu

INSPECTOR