



Appeal Decisions

Site visit made on 10 May 2022

by Ms Watson BA(Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th June 2022

Appeal A Ref: APP/E5900/W/21/3284415

28 Aberavon Road, London, E3 5AR

- 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 Tayob Ali against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/19/02503, dated 17 November 2019, was refused by notice dated 19 August 2021.
 - The development proposed is for a single storey outbuilding.
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Appeal B Ref: APP/E5900/Y/21/3284416

28 Aberavon Road, London, E3 5AR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Tayob Ali against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/19/02525, dated 17 November 2019, was refused by notice dated 19 August 2021.
 - The works proposed are for a single storey outbuilding.
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Decision

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The garden room has been constructed and therefore I am considering this appeal retrospectively, however, I have removed "retrospective application" from the descriptions of development and works as these words are not an act of development.
4. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are (i) the effect of the garden room upon the significance of the Grade II listed building and whether it preserves or enhances the character or appearance of the Tredegar Square Conservation area; and (ii) the effect of the garden room on the living conditions of the occupiers of adjoining residential development with particular regard to outlook.

Reasons

Heritage

6. The appeal site is located within 2-34 Aberavon Road which is an early 19th century terrace. It has predominantly brick elevations. At the front it has a stucco plinth at basement level and three stucco bands higher up on the front elevation. It has sliding sash windows which at first floor at the front, are in shallow recessed arches with impost bands. The lower front windows have segmental arches. It has a round headed front doorway with a keystone and impost bands, a plain fanlight and fluted pilasters. The rear elevation is plain with a modern back door although it has sash windows with brick headers and painted stone cills. The significance of the building derives, in the main, from its age and rich architectural detailing which is particularly apparent on the front elevation.
7. The outbuilding is located at the end of a long rear garden and is attached to a garden side boundary wall. It is a small single storey building and occupies a limited amount of the garden area. The building is in an elevated part of the garden but the change in ground level is not significant given the length of the garden. Moreover, even with the elevated ground level, the outbuilding is substantially lower in height than the house. Due to its modest size and the generous distance between it and the house, it is a subservient structure to the terrace.
8. The front elevation of the outbuilding is constructed in London stock brick which is sympathetic with the brick used on the listed building. However, the side and rear elevations are constructed of concrete block. The concrete block is unattractive as it has a rough and unfinished appearance and it can be partially seen from adjoining gardens above the boundary walls. The blockwork is visually incongruous to the stock brick and stucco facing materials of the listed building.
9. The window frames and door of the outbuilding are constructed of uPVC, a modern material which sharply contrasts in appearance to the timber fenestration of the listed building, particularly in respect of texture and moulding. The windows also have a horizontal emphasis in contrast to the more vertical proportions of the sash windows in the main house.
10. Due to the inappropriate nature of the facing materials and the design details of the windows and door, the outbuilding detracts from the composition of the listed building and harms its significance and special interest. I consider that the harm to the significance of the listed building to be less than substantial and, in the language of the Framework, on the lower end of the scale of less than substantial harm. Nevertheless, this harmful impact is a matter of considerable importance and weight.
11. The site is also located within the Tredegar Square Conservation Area which was largely developed between 1820 and 1860. It is characterised by its grid layout and uniform pattern, created by the repetition of architectural elements. The prevailing land use in the area is residential with some commercial uses which are mainly on the main road frontages. There are also several public buildings and an attractive open space in Tradegar Square which create a sense of civic identity and sense of place.

12. Many properties still retain the original external and internal features, such as cast-iron balconies, railings, double-hung timber sash windows with fine glazing bars, good examples of panelled front doors, semi-circular doorways, fanlights, decorative stucco or plaster moulded window surrounds and door-cases, stuccoed string courses, projecting stone-cills, timber window shutters, original fireplaces and ceiling cornices.
13. The visual and spatial quality of the conservation area is particularly apparent in long views along the streets. Houses are a mixture of sizes but each road contains houses built in a similar style, giving considerable unity.
14. It is the age, layout, land-uses, and the architectural proportions, uniformity and detail which, in the main, give the conservation area its significance.
15. The garden building is of a modest scale which is compatible with the size of the garden and listed terrace. However, I have found that the fenestration and concrete blocks harm the significance of the listed building and therefore I also find that they neither preserve nor enhance the character or appearance of the conservation area. Given that the outbuilding affects only a small part of the conservation area in a private space, I consider that the harm to the significance of the conservation area to be less than substantial and at the lower end along the scale of less than substantial harm.
16. Paragraph 199 of the National Planning Policy Framework (the Framework) advises 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. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. The Framework advises that less than substantial harm must be weighed against the public benefits of the scheme.
17. The outbuilding provides ancillary space for the main dwelling, which the appellant says is used as a gym and storage. The appellant claims that this would make more effective use of the land. However, I do not agree that swapping outdoor amenity space for additional built floorspace achieves this objective given that the plot remains in the same principal use as a single dwelling. The additional space is therefore a private benefit rather than a public one. Consequently, I find that there are no public benefits to outweigh the less than substantial harm to both assets.
18. The appellant has referred to other outbuildings in the locality which have been granted planning permission by the Council. However, I do not have the specific architectural details of them before me. Nevertheless, it is clear from the evidence that the buildings at Numbers 32, 34 and 47A Aberavon Road would be constructed in different materials so they are not directly comparable to the development before me. Furthermore, I am not bound by other decisions by the Council.
19. Whilst I note that the Council suggests a condition which aims to secure facing and fenestration details, this condition would be inappropriate as it could radically change the appearance of the building for which planning permission and listed building consent is sought. Furthermore, I have insufficient details before me about how a satisfactory scheme could be achieved.

20. I conclude that the outbuilding harms the significance of the listed building and the conservation area. Therefore it conflicts with Policies D4 and HC1 of the London Plan (2021) and Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 (adopted 2020) (THLP). In combination, these policies seek to ensure that development is of a good design which protects the historic environment.

Living Conditions

21. The outbuilding is in a slightly elevated position due to the garden's terraced nature. However, the change of level along the length of the garden is modest. Furthermore, whilst the outbuilding fills most of the width of the garden, it is of a small scale with a flat roof and at around 3.4m, its depth is not excessive, in comparison to the generous length of the rear garden and that of the adjoining gardens to either side. Therefore, its overall height and mass is not imposing upon the outlook from adjoining gardens or the windows of the adjoining dwellings. There is no harm to the living conditions of the occupiers of adjoining properties.

22. Therefore, I find no conflict with Policy D.DH8 of the THLP which seeks to protect residential amenity. The Council has drawn my attention to Policy D14 of the London Plan but this relates to noise and therefore it is not relevant to the Council's objection to the building.

Other Matters

23. The appellant alleges that the Council initially advised that an outbuilding might be permitted development providing that it was within certain limits. However, whilst I appreciate the frustration of the appellant in relation to this alleged matter, it does not provide justification for me to allow harmful development.

Conclusion

24. Whilst I find no harm to the living conditions of neighbouring occupiers, I do find harm to heritage. The proposal conflicts with the development plan as a whole and therefore I dismiss both appeals.

Ms S Watson

INSPECTOR