



Appeal Decision

Site visit made on 15 August 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 21 September 2022

Appeal Ref: APP/E5900/W/21/3288339

33 Jamestown Way, London E14 2DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1), Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) 2015 Order (as amended) (the GPDO).
 - The appeal is made by Mr Laturia against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/01673, dated 19 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is described as 'one additional storey on the main house'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. That application is the subject of a separate Decision.

Preliminary Matters

3. The application site is currently the subject of an enforcement case relating to the use of the property as a House in Multiple Occupation (HMO). However, the Council has determined the proposal on the basis of the appeal property being a dwelling house within the meaning of Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended), and I have done the same for the purposes of this appeal. However, if the appellant wishes to ascertain the lawful use of the appeal property they may make an application under section 191 of the Town and Country Planning Act 1990. Furthermore, there is no evidence before me that other limitations listed at paragraph AA.1 are engaged. The proposal would constitute permitted development and I have assessed the appeal on this basis.

Main Issue

4. The main issue in this appeal is whether prior approval should be granted under Class AA of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) 2015 Order (as amended) (the GPDO), having particular regard to the effect of the proposal on the external appearance of the dwellinghouse and the area.

Reasons

5. The conditions attached to Class AA state that the developer must apply for the prior approval of the external appearance of the dwellinghouse, among other matters. Recent case law, *CAB Housing Ltd, Beis Noeh Ltd & Mati Rotenberg v SSLUHC [2022] EWHC 208 (Admin)*, has confirmed that the control of the external appearance of the dwellinghouse is not limited to impact on the subject property itself, but also includes impact on neighbouring premises and the locality.
6. The appeal site sits approximately mid-way in a long row of three storey terraced town houses and is part of the Virginia Quay development. The terrace fronts onto Jamestown Way and the public accessible areas of Virginia Quay and the Thames path. While the development is private with controlled access, the front elevation of the terrace is still highly visible and a prominent feature in the street scene. It is predominately identical in style and height which gives the terrace a relatively consistent appearance. Its roof is pitched and, other than a few front and rear roof dormers, is relatively uniform along its length.
7. The proposal would raise the roof and add a first floor storey to the property. The additional storey would be set flush to the front and rear elevations and the roof would replicate the existing roof pitch. While an upward extension would inevitably result in its eaves and ridge being higher than the neighbouring properties, it is still necessary to consider how this effects the aesthetics and context of the property and terrace row. The proposal would be a bulky and localised addition which would unbalance the consistent composition of the terrace. The front elevation would be highly visible from many of the public viewpoints and given the building's prominence within the street scene, the resulting dwelling would appear incongruous, causing harm to the character and appearance of the terrace and area.
8. As noted there are a small number of properties within the terrace which have front and rear dormers which appear to effectively create a fourth storey. However, these are relatively small and are set back from the eave and ridge levels of the roof. This limits their impact, creating modest additions which are not highly visible from the public viewpoints and do not significantly affect the uniformity of the terrace.
9. While the Virginia Quay development does have a variety of larger property blocks close to the water's edge, these are typically located towards the ends of the terrace. As such there is a relative clear and open view of the development stepping down from the properties on Newport Avenue, across the terrace and then to the Thames Path. As such these larger property blocks do not lessen the harm that the proposal would create within these views this open development view.
10. There are examples of high-rise properties running down to the water's edge in the nearby Canary Wharf area. However, this development is relatively distant from the appeal site and does not contribute to the setting or context of this terrace. It therefore does not change my view regarding the harm caused to the appearance of the terrace from the proposal.
11. It is clear from the Council's Delegated Planning Decision Report that the proposal passes all the criteria set out in paragraph AA.1 and that all information required by paragraph AA.2 was provided. However, this does not

negate the requirement to address the conditions placed on development permitted under Class AA, including the need to assess the effect of the development's external appearance.

12. My attention has been drawn to three appeal decisions. All were issued before the recent case law, which means that the conclusions of the Inspectors in these appeals were not based upon the current legal situation. Accordingly, these decisions carry limited weight in my consideration of this appeal. They do not outweigh the harm identified.
13. Overall, I find that the proposal would lead to significant harm to the external appearance of the terrace and the area. Thus, the proposal would conflict with paragraphs 126 and 130 of the Framework as it would not be visually attractive, represent good architecture, would not be sympathetic to local character and would not create the high quality, beautiful buildings or places that the Framework identifies as being fundamental to what the planning and development process should achieve.
14. Consequently, I consider that the external appearance of the dwelling would be unacceptable, and the proposal would be contrary to the requirements of paragraph AA.2(3)(a)(ii).

Other Matters

15. I acknowledge the appellant's unfortunate personal circumstance regarding the reason for the proposal. However, this does not outweigh the harm I have found to the character and appearance of the area arising from the proposal.

Conclusion

16. For the reasons set out above, I conclude that prior approval should not be granted and, therefore, that the appeal should be dismissed.

J Symmons

INSPECTOR