



Appeal Decision

Site visit made on 21 September 2022

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 October 2022.

Appeal Ref: APP/E5900/D/22/3290766

30 Avis Square, London E1 0QD

- 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 Abu Bokor Khan against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/01970, dated 27 August 2021, was refused by notice dated 25 October 2021.
 - The development proposed is a loft conversion and extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the description of development varies between the documents submitted for the purposes of this appeal, I have used the description from the Council's decision notice, as this is a concise and accurate description of the development and has been used by the appellant for their appeal statement.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the local area.

Reasons

4. The appeal property is a two storey mid terraced palisaded house with a rear garden. It faces onto Avis Square, which sits at the heart of the mid-20th century planned estate that surrounds it. The design of the terrace of which the appeal property forms part is replicated on two other sides of the square. All together, these terraces appear to have undergone minimal alterations, with only rear garden extensions evident and no roof alterations or extensions. This provides for a coherent and cohesive character and appearance to the existing streetscene of the square.
5. The proposal is to extend and convert the loft area of the appeal property to living space and includes 7 solar panels to the roof of the existing single storey rear extension. These proposed panels would appear to benefit from being permitted development under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 and have no

- detrimental effect on the character and appearance of the host property and that of the local area.
6. The proposed roof level extension would result in an increase in the height of the roof of the appeal property, without a change in the angle of pitch of the roof. This would allow for a half storey extension of the front and rear elevations in a matching brick and the installation of 2 new second floor windows to the front and rear, which that would align with the existing fenestration. There are also 2 new roof lights proposed for both the front and rear roof slopes.
 7. At roof level the proposed extension would appear to sit proud of the established roof line of the terrace of which the appeal property forms part, from both front and rear viewpoints. Due to its proposed bulk and massing, this would not only appear to interrupt the roof line of this terrace but would also be read within the context of the matching terraces of the other two sides. This would result in the proposed extension appearing unduly prominent and incongruous in this context, rather than a subservient addition. This would detract from the established character and appearance of the appeal property, its terrace and the streetscene that I have identified above. This would be particularly apparent when viewed from within the enclosed and cohesive townscape of Avis Square.
 8. Whilst the appellant has drawn to my attention other developments in the area that are taller than neighbouring properties, these are, however, of varying age and sit within a varied and eclectic street scene. These do not reflect the more uniform and cohesive character and appearance of the terraces in Avis Square, of the which the appeal property forms part. I have therefore given these only limited weight in my considerations.
 9. Whilst I acknowledge the appellant's view that the proposal would improve the occupying family's use of the appeal property, this would represent predominantly private rather than public benefits, to which I can only give moderate weight in my considerations.
 10. The Council officers report raises the issue of the effect of the proposal on the setting of the York Square Conservation Area (the CA), designated to protect its significance as defined by the architectural integrity of the Mercer's Estate and the diverse concentration of historic buildings in around Commercial Road and Butcher Row. Whilst the officer's report states that the proposal would be harmful to the setting of the CA, the decision notice makes no mention of this and does not conclude against a relevant heritage policy.
 11. The CA is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area. The proposal would be visible from within the CA, specifically from along Westport Street. However, given the relatively small scale of the proposal, within the context of the mid-20th Century townscape outside of the CA at this point, and the distances involved, its effect on these views would not be so significant that it would result in any harm to the setting of the CA or its significance.
 12. For the reasons given above, I find that, whilst the proposal would not cause harm to the setting of the CA, it would result in significant harm to the

character and appearance of the appeal property and that of the local area. This would not accord with policy S.DH1 of the Tower Hamlets Local Plan (2020), policy D3 of the London Plan (2021) and section 12 of the National Planning Policy Framework (2021). These collectively seek to ensure that developments are of a high standard of design and integrate with the local area.

Conclusion

13. As no public benefits have been identified that would outweigh the harm that I have identified above, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR