



Appeal Decision

Site visit made on 13 September 2022

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/E5900/W/22/3293704

41C Brick Lane, London E1 6PU

- 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 Tom Dean against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/02394, dated 5 November 2021, was refused by notice dated 23 December 2021.
 - The development proposed is single storey roof extension to residential property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect on the character and appearance of the Brick Lane/Fournier Street Conservation Area;
 - the effect on the living conditions of the occupiers of neighbouring properties, with regard to emissions; and
 - whether the proposal would encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities.

Reasons

Character and Appearance

3. The appeal site is a three-storey building on the corner of Brick Lane and Fashion Street, with commercial uses on the ground floor and residential uses above. Properties in the wider area are of varying design, with a number of roof extensions and alterations.
4. Adjoining the appeal site on Brick Lane are a row of three, brick built four storey terraces that have dormer windows with triangular gable features with brick coping. A longer row of terraces with dormers of the same appearance are attached to the appeal site along Fashion Street. The symmetry of these dormers is a key feature, and along with the uniform terraces and roofscape contribute to the character and appearance of the area. While the corner property is different in style and materials, it relates positively to the character and appearance of the area.

5. The site falls within the Brick Lane/Fournier Street Conservation Area and nearby are two Grade II Listed Buildings: Christ Church Primary School and Attached Railings, Brick Lane and 10-48 Fashion Street, E1. Having regard to the duties imposed by the Act¹, I have assessed the proposal against these heritage assets.
6. The Conservation Area Appraisal summarises the significance of the Brick Lane/Fournier Street Conservation Area which includes it being one of the most important historic areas in London and contains some of the most architecturally significant buildings in the Borough of Tower Hamlets, dating from the 18th century and earlier. The richness and complexity of the area's character today is due to many factors, not least the overlapping cultural legacy of three successive groups of immigrants, each of which has made a unique contribution to the area. I consider that the appeal site makes a positive contribution to the conservation area, adding to the varying architectural style and details found within it and playing an important role in the visual relationships between buildings.
7. From my site visit I saw a number of mansard roof extensions in the surrounding area, on the opposite side of Brick Lane to the appeal site. However, the creation of a mansard roof extension at the appeal property would be an incongruous addition and a jarring element in comparison to the gable feature dormers in the area immediate to the site. Even with the roof extension being punctuated with dormer-like detailing to reflect the neighbouring dormers and being set back from the building edge, the proposal would result in the property having an awkward presence, the site being in a prominent corner location, detracting from the consistent roof lines.
8. I note that the proposal has been designed to be appreciated as an extension in its own right, and would reinstate original coping stones and retain significant elements of the existing building, comprising historic fabric, finishes and features. While there are examples of contemporary additions within the wider area, including those with zinc cladding, the use of this material at the appeal property, alongside aluminium windows would draw the eye, creating a boxy addition in the roofscape. In this regard, the proposal is different to the previous permission at the site, which was of a different appearance and scale.
9. While I note that the proposal would be set behind the coping stone, in this prominent corner location there would be open public views on approach from Brick Lane and Fashion Street. The proposal would be a discordant addition to the roofscape, neither relating positively to the uniform dormer roofline along Fashion Street, or the detailing and features of the corner building itself. As such, the proposal would not preserve the character and appearance of the conservation area and would cause harm to its significance, in accordance with section 72(1) of the Act. The harm that I have identified would be 'less than substantial' harm.
10. The National Planning Policy Framework (2021) (the Framework) indicates that great weight should be given to the conservation of heritage assets, irrespective of the level of harm. While the proposal would provide additional living space, improved layout and adaptability of accommodation, including providing accommodation for families, these benefits would be largely private.

¹ Sections 72(1), 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

11. I acknowledge that the proposal includes biodiverse planters which may well contribute to a green network for pollinating wildlife, and that the construction of the proposal is said to improve the energy efficiency of the property. However, these general public benefits are not sufficient to weigh against the permanent harm that would arise to the significance of the conservation area.
12. The Grade II listed building known as Christ Church Primary School and Attached Railings, Brick Lane was built in 1873-4 to the designs of James Tolley and Robert Dale. Its significance derives from its use and architectural interest. The setting includes the relationship between it and the buildings that front onto Brick Lane.
13. The proposal would be in the roofscape on the corner of Brick Lane and Fashion Street and aside from the railings, the designated heritage asset is largely set back from the road. As such, there is to some extent a degree of physical and visual separation with the architectural interest of the asset, which is not directly experienced from the appeal location and as such, the proposal would have a neutral effect on its setting. Consequently, the proposal would preserve the special architectural and historic interest of Christ Church Primary School and Attached Railings, Brick Lane, in accordance with sections 16(2) and 66(1) of the Act.
14. The Grade II listed building known as 10-48 Fashion Street, E1 was built as a shopping arcade or bazaar in a Moorish style. Its significance derives from its architectural interest. The setting of this group of buildings comprises the streetscape within which it is located, including the appeal site.
15. The form and appearance of the appeal proposal would be conspicuous in the roofscape, distracting from the asset when viewed along Fashion Street in both directions, having a detrimental effect on its setting. Accordingly, the proposal would not preserve the architectural interest of 10-48 Fashion Street, E1 and there would be conflict with sections 16(2) or 66(1) of the Act.
16. For the reasons given, the proposal would cause harm to the character and appearance of the Brick Lane/Fournier Street Conservation Area, in conflict with policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan (2020) (Local Plan). These policies seek development that meets the highest standards of design which respects and positively responds to its context. Within a conservation area, development is expected to preserve or, where appropriate, enhance those elements which contribute to their special character and appearance.
17. The proposal would also be contrary to the provisions of the heritage protection policies of the Framework (2021).

Living Conditions

18. While it may be that domestic wood burning contributes to small particulate air pollution, it has not been shown that there is a particular problem that needs to be resolved at this specific site, or that the dispersion of emissions from the proposed flue would be impacted by existing structures. Moreover, a pre-commencement condition could be imposed were the appeal to be allowed to secure details of emissions to air to demonstrate that the living conditions of neighbouring occupiers would not be negatively affected.

19. As such, the proposal would not be detrimental to the living conditions of the occupiers of neighbouring properties, with regard to emissions, and accords with Policy D.DH8 of the Local Plan (2020). This policy requires development to not create unacceptable levels of fume pollution.

Provision of Cycle Storage Facilities

20. Policy D.TR3 of the Local Plan (2020) requires development to comply with parking standards, which the Council indicate for this proposal should be a minimum of 2 cycle parking spaces. I note there are existing cycle racks in close proximity to the appeal site on Brick Lane at pavement level, and that the Appellant has explored the provision of wall mounted bike racks within the property. While there are no plans before me to demonstrate this, details of cycle parking provision within the property could be secured by condition were the appeal to be allowed. Moreover, I note the site is well serviced by public transport, offering the occupants a choice of modes of travel.
21. Accordingly, the development would encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities, in accordance with Policy D.TR3 of the Local Plan (2020) which, amongst other things, sets a requirement for development to comply with cycle parking standards to meet current demand and to encourage further use over time.

Conclusion

22. While the proposal would not be detrimental to the living conditions of the occupiers of neighbouring properties, with regard to emissions, and it would encourage future occupiers to use a range of transport modes, with particular regard to the provision of cycle storage facilities, my above findings, relating to character and appearance, bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

F Harrison

INSPECTOR