



Appeal Decision

Site visit made on 26 April 2022 by S Witherley CIHCM MRTPI

Decision by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2022

Appeal Ref: APP/E5900/W/21/3280785

23 West Tenter Street, London, E1 8DT

- 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 Ben Coleman on behalf of Leos Tower Bridge Development Limited against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/00248, dated 3 February 2021, was refused by notice dated 27 April 2021.
 - The development proposed is for a single storey roof extension and associated alterations to the existing building to create one new self-contained dwelling.
-

This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 11 May 2022

Decision

1. The appeal is allowed, and planning permission is granted for the construction of a single storey roof extension and associated alterations to the existing building to create 1x 2 bed flat, at 23 West Tenter Street, London, E1 8DT, in accordance with the terms of the application, Ref PA/21/00248, dated 3 February 2021, subject to the conditions in the attached schedule.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. The description of the development given on the application form is set out in the banner heading above. However, in the formal decision I have used the description given in the Council's decision notice as that describes the development adequately.
4. The appellant submitted an amended drawing, no. 2031-DS-00-ZZ-DR-A-P100 Rev P1, as part of the evidence for this appeal. This drawing shows an amended layout to the internal bedroom areas. It is understood from the Council's statement of case that they have seen this amended drawing and they have made comments on this drawing.
5. The changes depicted in the drawing are considered minor and do not change the detail of what is being proposed. Having regard to the Wheatcroft

principles, I consider, in this case, the amended drawing can be accepted, and no party would be prejudiced by doing so.

Main Issues

6. The effect of the proposal on i) the character and appearance of the appeal property and surrounding area and ii) the living conditions of future occupiers in regard to internal living standards.

Reasons

Character and appearance

7. No. 23 is a large six storey residential building with basement situated within a short terrace block. Properties either side of the appeal site are similar in height with others in the block appearing lower. It is apparent that a number of buildings, including the appeal site, have undergone modifications at roof level.
8. There is variety throughout the terrace block in terms of design, form, use of materials and the ages of the individual buildings. These variations are particularly apparent at roof level where the lack of consistency and uniformity can be seen in a number of views taken from the surrounding areas.
9. The appeal site is viewed in the context of this varied roofscape and also prominently in the forefront of the greater London skyline. This London skyline provides a highly prominent and visual backdrop to No. 23 and is viewed in the same visual frame. It is these multi - dimensional views that collectively make a positive contribution to the overall character and appearance of the appeal site and surrounding area.
10. The proposed additional floor would be designed with a mansard roof, with its overall design and form matching that of the existing roof extension, remaining set back from the original parapet roof.
11. As a result of its increased height, mass and form, the proposal would appear larger than its immediate neighbours and would become the largest building in this terrace block. However, this increase in itself is not considered so significant that it would result in the proposal appearing overly dominant or incongruous.
12. The proposal would be seen in the context of its surrounding neighbours and the backdrop of the greater London skyline, where variation in building heights is a key characteristic of this area. As such it would not disrupt the existing rhythm or architectural composition of the appeal building, the terrace block or greater London skyline. Thus ensuring, its design, materials, scale and mass, respects the local context, making a positive contribution to the area.
13. Having regard to the above, it is considered that on this main issue, the proposal would not cause harm to the character and appearance of the appeal property or surrounding area. It would therefore meet with the requirements of Policy S.DH1 of the Tower Hamlets Local Plan 2031 *Managing growth and sharing benefits* (2020) (LP) which, amongst other things, seeks developments to be of a high standard of design which respects and positively responds to the areas character and local distinctiveness.

Living Conditions

14. Policy D.H3 of the LP requires new development to meet with the most up to-date London Plan space standards. The Council note that the proposal complies with the majority of these standards but fails to meet the minimum requirement that seeks a dwelling with two or more bedspaces to have at least one double bedroom that is at least 2.75m wide and the other additional double bedroom to be at least 2.55m wide. The delegated report notes that the two proposed bedrooms would offer widths of 2.61m and 2.54m, therefore failing to meet the minimum requirement.
15. To address this, the Appellant has proposed, via an amended Drawing 2031-DS-00-ZZDR-A-P100 Rev P1 (included within Appendix 10 of the Appellant's Statement of Case) that the bedrooms are reconfigured to provide 2.8m widths. The Council have seen this drawing and commented that *If the Inspector is satisfied that this amendment addresses Refusal reason 2, then the Drawing number should be included in an approved drawing compliance condition (as set out below under Section 7, Condition 2).*
16. Having reviewed the amended drawings and the proposed reconfiguration of the internal spaces for both bedrooms, I am satisfied overall that the proposal would provide practical, convenient and suitable living accommodation.
17. Having regard to the above, on this main issue, it is considered that the proposal would not harm the living conditions of future occupiers in regard to the internal living standards. It would therefore comply with the requirements and standards set out in Policy D.H3 of the LP and Policy D6 *Private internal space, requirement 2*, of the London Plan 2021 which collectively seek to ensure satisfactory living standards.

Other Matters

18. Third party comments were received, and all matters raised at the application stage were addressed by the Council. Having regard to the details before me there is no reasons to conclude otherwise on these matters.
19. The Council note that a Grade II listed building, gate and piers, is located at 57 – 59 Mansell Street. However, they have not raised any concerns regarding the proposals impact on the setting of this group of Listed Buildings and have not mentioned them in the refusal reasons. Having regard to the proposal before me I would agree that there is no impact from the proposal on the setting of this group of Listed Buildings.
20. Since the submission of the appeal, a signed and completed Unilateral Undertaking (UU) has been submitted. The obligation indicates that the premises cannot be occupied by a person holding a residents parking permit, except for wheelchair accessible parking. I am satisfied that the UU would secure the development would be car free and be necessary to make the development acceptable in planning terms, is directly related to the development and would be fairly and reasonably related in scale and kind to the development. It would, therefore, accord with Community Infrastructure Levy (CIL) Regulation 122 and paragraph 57 of the National Planning Policy Framework.

Conditions

21. I have had regard to the conditions suggested by the Council and have attached those which meet the relevant tests, as set out at paragraph 55 of the

National Planning Policy Framework, making changes to the wording, where necessary, in the interests of precision and clarity.

22. The standard time limit condition is necessary to ensure that the development is built in accordance with the submitted plans for certainty. To safeguard the appearance of the area, it is necessary that samples of the external materials, be submitted for approval.
23. A Demolition and Construction Method Statement (DCMS) condition is necessary to control the manner in which the development is carried out. This will be required to be in place for the entire duration of the construction period and, consequently, this must be a pre-commencement condition. The Council have asked for a separate condition relating to compliance with the Councils Code of Construction Practice and Noisy works. These are matters to be included in the DCMS, and, consequently, I do not consider that separate conditions for these is necessary.
24. The refuse storage collection would be in accordance with the Council's waste disposal scheme and there is ample storage space provided within the approved layout to accommodate waste storage facilities. It is not considered that a condition is necessary in this respect.
25. Whilst details of the cycle storage areas have been provided, the Council note these do not cater for all types of cycles. Further details regarding these cycle storage areas are therefore considered necessary and a condition is attached in this respect.
26. A condition restricting access to the proposed mansard roof is considered reasonable and necessary to protect the living conditions of nearby occupants.
27. The Council has sought a condition to secure the permit-free car parking via an obligation. As noted above, a UU has been submitted, a separate condition securing this obligation is not required or considered necessary.
28. In addition to the above conditions, the Council have also suggested an informative. Whilst informatives are not added to appeal decisions, through the Council's evidence, the appellant is now aware of these.

Conclusion

29. The proposal accords with the most relevant policies in an up-to-date development plan and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

30. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

J Hunter

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Proposed Elevations - 2031 - DS - 00 - ZZ -DR- A - P200
 - Proposed Context Elevation - 2031 - DS - 00 - ZZ -DR- A - P201
 - Proposed Section - 2031 - DS - 00 - ZZ -DR- A - P202
 - Amended drawing Proposed Plan – 2031 - DS-00-ZZ-DR-A-P100 Rev P1
3. No superstructure works shall take place until samples and full particulars of all external facing materials to be used in the construction of the development have been submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out other than in accordance with the approved details.
4. No development shall take place, including any works of demolition, until a Construction Management Plan has been submitted to, and approved in writing by, the Local Planning Authority. The approved Plan shall be adhered to throughout the construction period. The Plan shall provide for:
 - a) the parking of vehicles of site operatives and visitors
 - b) loading and unloading of plant and materials
 - c) storage of plant and materials used in constructing the development
 - d) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - e) wheel washing facilities
 - f) measures to control the emission of dust and dirt during construction
 - g) a scheme for recycling/disposing of waste resulting from demolition and construction works. Construction must comply with the Council's Code of Construction Practice. Noisy works only permitted Mon-Fri 0800-1800 and Sat 0800-1300. Audible works should not be carried out at any time on Sundays and Bank Holidays.
5. No superstructure works shall take place, until details of cycle storage facilities for the new residential unit have been submitted to and approved in writing by the Local Planning Authority. No less than 2 cycle parking spaces shall be provided. The cycle storage facilities shall be completed in accordance with the approved details prior to the first occupation of the development and thereafter maintained in operational condition and made available to the occupiers of the unit.
7. Access to the mansard roof of the development hereby permitted shall be for maintenance or emergency purposes only.

