



Appeal Decision

Site visit made on 6 December 2022

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2022

Appeal Ref: APP/E5900/W/22/3303078

Flat 22, Academy Court, Kirkwall Place, Tower Hamlets, London E2 0NQ

- 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 D Benton (Eccure Ltd) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/00328, dated 17 March 2022, was refused by notice dated 11 May 2022.
 - The development proposed is conversion of existing internal and outside storage space and erection of side porch, to convert existing studio flat into 1-bedroom self-contained flat.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are firstly, whether the proposed development would preserve or enhance the character or appearance of the Globe Road Conservation Area; and secondly, the effects of the appeal scheme on highway safety.

Reasons

Character and Appearance

3. The appeal property is located within Globe Road Conservation Area, a locale within which consistency of detail, including in terms of facing materials used, and the massing and detailing (including corner towers) of its larger 19th Century buildings are notable features of its character, appearance and significance. Academy Court is a relatively modern residential building, which takes design cues, including in terms of its material palette, its fenestration, and the architectural expression of the towers at its corners, from older buildings in its environs, in particular Mendip House which is situated across from it on Kirkwall Place. Whilst acknowledging that the Council's Conservation Area Appraisal and Management Guidelines (adopted November 2009) (the Appraisal) does not specifically mention the appeal building, these aspects of its design, taken together ensure that it fits in readily with the streetscene.
4. Unlike most other buildings in the Conservation Area, Academy Court's façade includes a porch. Of uncomplicated neoclassical design, this porch, taken together with the projecting bay to which it relates, and the towers at each

corner of the appeal building, adds to the strong sense of symmetry and balance of Academy Court's façade, and reads as an integral element of its composition. Aside from this example, porches or similar elements are very uncommon within the Conservation Area, particularly on flank walls.

5. The proposed development would see the conversion of storage spaces adjacent to the existing dwelling in Flat 22, to enable the extension of habitable space available. A porch would be added to the flank elevation facing Peary Place, with gated railings enclosing a space to the front of the proposed porch which would extend to the edge of the existing carriageway.
6. The flank elevation to which the proposed porch would relate lacks the overall symmetry, balance, and modelling of Academy Court's façade, with a simpler, flatter appearance, and a tower present at only one corner. These features of the flank wall clearly give it a subservience in design terms when compared to the appeal building's façade. In this context, the introduction of the porch, with the lopsided off-centre placement of its door and the boundary treatments to the front and one side of it, would impart a cluttered, unbalanced, and contrived character to the flank wall. In views from Kirkwall Place toward Globe Road, the façade and flank elevation would be inter-visible with each other to some extent. Within these views the cluttered character of the appeal scheme would appear as a visually jarring contrast both to the ordered composition of Academy Court's façade and to the fine elevational modelling of the adjacent Mendip House. For these reasons, the proposed development would read as a discordant incremental addition in the context of its host building, and appear incongruous within the streetscene, including Peary Place where flatter elevations are a conspicuous element of the design of buildings which address it.
7. Although Peary Place is not identified as an important view within the Appraisal, it is noted as one of the few remaining 18th Century alleyways in the area, and the intimacy of the streetscene, particularly towards the Roman Road end of the thoroughfare, has a high degree of aesthetic appeal. It is clear that the introduction of the proposed development, due to the factors set out above, would have a direct and adverse impact on the character of this historic alleyway, particularly in views from Kirkwall Place toward Roman Road, where the porch and related additions would be prominent features. Whilst the appellant considers the tarmacked area currently present on the appeal site to have no positive visual or historic benefits, it has at worst a neutral effect on the character of the appeal building and its surroundings, and as such the proposed development would not constitute an improvement in these terms.
8. It follows therefore, for the reasons given, that the proposed development would appear as an incongruous addition to its host building, which would detract from the wider streetscene. Accordingly, these considerations lead me to the conclusion on this main issue that the proposed development would fail to preserve the character and appearance of the Globe Road Conservation Area, and in these regards would conflict with Policy S.DH1 of the Tower Hamlets Local Plan (adopted January 2020) (the Local Plan) insofar as, amongst other things, it requires developments to meet the highest standards of design which respect and positively respond to context.

Highway Safety

9. Peary Place is a narrow highway, surfaced in cobble, and at its junction with Roman Road is blocked by bollards, meaning that it is not a through-route for motor vehicles. Due to these factors, and the limited amount of properties served by Peary Place, it is not a highway which is likely to be heavily used by motor vehicles, and the ones that do use it would be unlikely to be travelling at high speeds. At the time of my afternoon site visit, admittedly only a snapshot, I saw no motor vehicles using Peary Place, however a small number of pedestrians used the route. Moreover, due to the limited number of parking spaces present on-site at Academy Place, the amount of vehicular movements associated with the existing access is likely to be modest.
10. Academy Court's parking area is of a sufficient size to allow cars parked there to exit in forward gear. I saw that the emerging visibility for vehicles exiting from Academy Court is already restricted to some extent by the existing gate pier and boundary arrangements. To my mind, the proposed porch due to its limited projection in front of the existing elevation, and separation from the existing access would be unlikely to restrict the views of drivers as they exited the site to any material degree. However, I consider that the proposed additional boundary treatment, including the area of planting to the side of the existing gate pier, would have the potential to restrict emerging visibility. Nevertheless, the nature of Peary Place, as described above, taken together with the ability for suitably worded conditions to be attached relating to detailed design of the proposed boundary and other relevant features, lead me to the view that the risk of conflict between pedestrians, cyclists and vehicles as a result of the proposed development would be minimal.
11. Accordingly, these considerations lead me to the conclusion on this main issue that the proposed development would avoid material harm to highway safety, and as a result would not conflict with Policy D.TR1 of the Local Plan, which, amongst other things requires developments to avoid adverse impacts to the safety of the Borough's transport network.

Planning Balance

12. In discharging the duty arising from s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have found that the proposed development would fail to preserve the character or appearance of the Conservation Area. For the purposes of the National Planning Policy Framework (the Framework) this equates to harm to the significance of a designated heritage asset. The Framework anticipates that the magnitude of any such harm should be assessed. In the current case, I consider, due to the relatively localised extent of the appeal proposal's effects in the context of the wider Conservation Area, that it would result in less than substantial harm to its significance. Such harm is to be weighed against the public benefits of the proposal (per paragraph 202 of the Framework).
13. The appellant considers that internal space provided in the current studio accommodation at Flat 22 falls below the minimum space standards set out in the Nationally Described Space Standards, and that the appeal proposal would address this issue. It is also suggested that the installation of the porch, and windows, combined with enclosing space within railings and the consequent definition of public and private realms achieved would improve the security of the property and Peary Place. The appellant considers that the proposed

development would thus help to address perceived anti-social behaviour issues – including alleged incidences of unauthorised parking. I am also mindful that the appeal building is in an accessible location (with a PTAL of 5, according to the appellant) and that national and development plan policies are supportive of the use of brownfield land, and the promotion of economic growth. However, due to the limited extent and influence of the proposal, any public benefits that would flow from these aspects of it attract only minimal weight in its favour.

14. Moreover, the proposal's lack of material harm in highway safety terms is a neutral factor, which accordingly carries no weight in its favour. Consequently, the great weight, which the Framework expects (at paragraph 199) is to be given to the conservation of heritage assets, tips the overall balance firmly against the proposal.
15. For these reasons, the proposed development would conflict with the Framework and Policy S.DH3 of the Local Plan insofar as, taken together, and amongst other things, they seek to ensure that heritage assets are conserved in a manner appropriate to their significance.
16. The above matters also lead me to the clear conclusion that no material considerations have been advanced of a sufficient weight to justify a decision other than in accordance with the development plan, with which the appeal scheme would clearly conflict.

Conclusion

17. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

G J Fort

INSPECTOR