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# Appeal Decision

Site visit made on 2 November 2022

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3<sup>rd</sup> February 2023**

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**Appeal Ref: APP/E5900/W/22/3291455**

**Flat 3, 32 Grove Road, London, E3 5AX**

- 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 Mrs Giorgina Waltier against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref: PA/21/02262, dated 12 October 2021, was refused by notice dated 29 November 2021.
  - The development proposed is described as: Roof level terrace on outrigger extension with amendments to a window to provide access.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. Although I was not able to access the rear or the interior of the property when I visited, I have been provided with photographs which show the rear elevation of the building and the roof of the rear addition. As well as the photographic evidence, following my visit to the appeal building, I also visited numbers 48-52 Grove Road, which are part of the same terrace of buildings, in connection with a separate and unrelated appeal. During that visit I was able to view the rear of the terrace from the car parking area behind numbers 48-52 Grove Road. The rear addition to the appeal building was also visible from Morgan Street between the rear elevation of number 30 Grove Road and the side elevation of 1 Saint David's Mews.
3. As the proposal is in a conservation area, I have had special regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

## Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area, with particular regard to the Tredegar Square Conservation Area.

## Reasons

5. The appeal building is a three storey terraced house, with a semi-basement. It has been sub-divided into three flats and the appeal proposal relates to the flat on the two upper floors. It forms part of a terrace of buildings of traditional construction comprising of older houses, with modern flats emulating the terraced house configuration at its northern end, and a former public house

that has been converted to flats at the southern end on the junction with Morgan Road.

6. The appeal building and its neighbour at number 34 are essentially similar in design having a flat roofed bay window to the semi-basement and the principal entrance floor, arch headed windows at first floor level, and small square windows at second floor level. Both buildings have a pitched roof with an overhanging eaves supported by corbels below. Number 34 has decorative hood mouldings above the first floor windows, a detail that may have been present and subsequently lost from the appeal building. To the rear, both houses have a projecting three storey addition at basement, principal, and first floor level, approximately half the width of the house. This rear addition has a monopitch roof.
7. The remaining older houses in the terrace are of a slightly different design featuring a butterfly roof concealed behind a raised parapet and with smaller rear additions, which are confined to the basement and principal floor levels and do not project as far as the those on the appeal building and its neighbour. Otherwise, they are of a similar configuration with a bay window at semi-basement and principal floor level, a two bay frontage and an elevated principal floor accessed by a short external stairway.
8. On the opposite side of Grove Road are two short terraces of modern two storey houses with mansard roofs; an older, detached, villa now in use as a hotel; and a petrol filling station. The terrace that contains the appeal building forms one side of a roughly rectangular perimeter block comprised mainly of two storey terraced buildings and a small number of detached buildings. The interior of the perimeter block is largely comprised of garden areas.
9. The appeal building is located on the eastern boundary of the Tredegar Square Conservation Area. The conservation area is relatively compact and consists primarily of a grid of streets centred on Tredegar Square. From the evidence, although having earlier origins, much of the area was developed between 1820 and 1860 and encompasses part of Mile End Old Town. It is predominantly residential in character, although also contains a number of commercial and public buildings. Notable amongst these, and close to the appeal site, are the former Holy Trinity Church (now the New Testament Church of God) and the former Coopers Company School (now converted to residential) located on Morgan Street. The buildings are generally constructed of brick with some stucco/render details, occasionally entire facades, and there are a variety of pitched and hipped roofs present. Many of the buildings date from the original nineteenth century development of the area, although there are also a number of more recent insertions into the older built fabric. The Tredegar Square Conservation Area Character Appraisal and Management Guidelines (2008, updated 2016) notes that the unity of the residential terraces is a significant quality of the area.
10. From the evidence before me and from what I saw when I visited the site and the surrounding area, the significance of the conservation area is derived from its historical value as an area which developed as part of the nineteenth century expansion of London in response to industrial developments along the River Lea and from increased transport options for residential and commercial activities following the construction of new infrastructure including new roads, the Regent's Canal, and the Limehouse Cut waterway. It also has architectural

value derived from the evidence it provides of the building types and designs, and the construction methods and materials used at the time, and aesthetic value arising from the appearance and layout of the buildings and their relationship with the spaces created by this.

11. I am advised that the appeal building is locally listed, together with other buildings in the terrace. However, neither party has provided much substantive evidence in respect of its significance. From what I saw when I visited the site, its significance is primarily derived from its aesthetic value, from the external architecture, and the contribution that it makes to the appearance of the terrace as a whole.
12. The appeal proposal consists of the construction of a roof terrace on the rear addition at second floor level, partly inset into the roof plane, and the enlargement of an existing window opening in the rear elevation to create a doorway providing access. The proposed roof terrace would be enclosed by horizontal timber battens mounted on metal posts.
13. An addendum to the Conservation Area Character Appraisal and Management Guidelines adopted in 2016 provides guidance on certain extensions to the roof and to the rear of residential properties. However, this addendum does not provide any specific guidance in respect of roof terraces.
14. Although the proposal would not take up the entire roof plane, it would fundamentally alter the shape of the roof of the rear addition through the introduction of vertical timber feature springing from the slate covered roof and projecting above the line of the brick parapet that presently forms the termination and highest part of the roof. It would also significantly alter the visual relationship between the roof of the ancillary part of the building and the main roof.
15. I saw during the site visit that large timber elements at high level were not a feature of buildings within the conservation area. Due to its size, design, proposed materials, and its elevated position on the building, the proposed terrace with its associated screens would appear as an incongruous addition to the rear elevation of the building and introduce a feature not historically found on buildings of the design and age of the appeal property. Although it is stated that the timber colour would be chosen to best match the existing brickwork, the difference in materials would, nonetheless, still be evident and noticeable.
16. I have noted from the photographic evidence provided that the window openings on the rear addition have been previously altered and also that the main rear elevation of the building appears to have been substantially re-constructed at first and second floor levels. This reconstruction does, however, continue the Flemish bonded brickwork of the original walls and replicate the segmented brick arches above the window openings present on the lower floors of the building and on its neighbours in the terrace. Whilst the building has been altered, these previous alterations were either historically accurate or did not fundamentally alter the shape and massing of the building.
17. The rear elevations of buildings within the terrace are less uniform and regular than the front elevations, with the appeal building and number 34 having larger, and effectively, three storey rear additions with a monopitch roof and the remaining older buildings having smaller, flat roofed, additions at basement and principal floor levels only. These latter, nonetheless, are reflective of the

slightly different design approach taken to these buildings and are consistent within the group of houses. None of the older properties have extensions or additions at top floor level or to the roofs.

18. For the above reasons, the proposal would be harmful to the appearance of the building and, as it has some limited visibility from the public domain as well as from windows on the rear of other buildings facing into the interior of the perimeter block, it would also be harmful to the character and appearance of the conservation area. It would be harmful to the significance of the conservation area through the loss to its architectural and aesthetic value. The proposed development would also diminish the architectural integrity of the locally listed building through the introduction of a feature not found at roof level on houses of this period that would substantially alter the historic and visual relationship between the rear addition and the main house.
19. My attention has been drawn to a rear roof terrace at number 46 Grove Road and I was able to see this when I visited numbers 48-52 Grove Road. This terrace is situated at first floor level over a rear extension to the basement and principal floor levels of the house. Consequently, it is significantly lower on the elevation than the appeal proposal and is seen in context with the similar, flat roofed, extensions to the rear of numbers 36-44 Grove Road. As such, I do not consider that it is directly comparable to the appeal proposal.
20. My attention has also been drawn to number 30 Grove Road. I observed that the mansard roof of this building is set back from the parapet above the second floor and that it may be possible to gain access to a small area of roof between the mansard and the parapet. However, there is no substantiated evidence that this area was designed as a roof terrace, or that it is regularly used as such.
21. The appellant has also cited roof terraces that have been approved at 1D Tredegar Square, 17 Morgan Street, and Coborn House. No details have been provided of these and they are not visible from publicly accessible areas, and so I cannot be certain that they are similar or comparable to the appeal proposal. I also note that the development at Coborn House is described as a concealed roof terrace, which strongly suggests that that it has little or no visual effect.
22. I did see that there are a small number of other roof terraces which are visible from the public domain at the rear of the houses at 14 to 28 Grove Road. However, like those at number 46, these are situated at first floor level and do not project as far from the rear elevation of the buildings as the appeal proposal.
23. Whilst I accept that there are examples of roof terraces in the area, from what I saw, I do not find that these provide any kind of precedent that would weigh in favour of the appeal proposal. In any event, each planning application and appeal must be considered on its own merits.
24. The harm that the proposed development would cause to the significance of the conservation area would be small in scale and limited to the immediate vicinity of the appeal site and, consequently, the effect on the conservation area as a whole would be very minor. Development which neither preserves nor enhances the character and appearance of a conservation area is necessarily harmful, although for the reasons set out above, I find that the harm in this

instance would be less than substantial. This harm is, nevertheless, of considerable importance and weight.

25. The National Planning Policy Framework (the Framework) requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation, irrespective of whether than any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. The Framework goes on to state that any harm to the significance of a designated heritage asset requires a clear and convincing justification.
26. Where a proposed development would lead to less than substantial harm to a designated heritage asset, the Framework requires that the harm should be weighed against any public benefits of the proposal. No public benefits arising from the proposal have been identified in the submissions and whilst the proposal would provide some private external amenity space to the upper floor flat, this is a purely private benefit.
27. The proposed development would also cause harm to the appeal building as a non-designated heritage asset as a result of the material alteration to the historic roof form of the rear addition and the introduction of a high level feature of a design and function inconsistent with a mid-nineteenth century house. There is little evidence in respect of the significance of the building and it is apparent that there have been some previous alterations to it and, as a result, some historic features have been lost. Nonetheless, it remains a good example of a typical house of this period. Although the proposal would provide external amenity space for the occupier of the upper flat, it is common for upper floor flats, particularly in converted buildings, to not have external amenity space. I also saw that there is an extensive area of public open space nearby at Mile End Park. The harm that would be caused to the historic interest of the building outweighs the potential benefits to the appellant.
28. Given the above, and in the absence of any defined public benefit, I conclude that, on balance, the proposal would fail to preserve the character or appearance of the Tredegar Square Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policies, D4, and HC1 of the London Plan 2021 and; Policies S.HD1 and S.DH3 of the Tower Hamlets Local Plan 2020 which, when read together, seek, among other things, to ensure high quality design of an appropriate scale, height, mass, bulk, and form in its context and that development conserves, or enhances, the significance of heritage assets. As a result, the proposal would not be in accordance with the development plan.
29. The reason for refusal also cites Policy D1 of the London Plan which covers the production of area character assessments and policy formulation. This policy does not refer to heritage assets, or provide any design guidance or standards and, consequently, I do not consider that it is relevant to this appeal.

### **Other Matters**

30. Concerns have been raised by interested parties in respect of potential overlooking/loss of privacy and loss of property value as a result of the proposed development. The height of the timber screens to each side of the proposed roof terrace would limit any opportunities for causal overlooking of immediately adjoining properties. Whilst the screening is lower at the end of

the roof terrace, as this would be set back from the end wall of the rear addition, the remaining roof structure would truncate views downward from this position. Within the interior of the perimeter block there will already be a degree of overlooking from windows in the rear of other buildings and the proposed development would not make this existing situation significantly worse. Loss of property value is not a matter that can be taken into consideration in determining a planning proposal.

### **Conclusion**

31. The proposal would harm the character and appearance of the conservation area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

*John Dowsett*

INSPECTOR