



Appeal Decision

Site visit made on 24 January 2023

by **O Marigold BSc DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17th February 2023

Appeal Ref: APP/E5900/W/22/3300090

80A Ellesmere Road, London E3 5QX

- 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 Alexander Ball, of Richard Markland Architects against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/02301, dated 18 October 2021, was refused by notice dated 14 January 2022.
 - The development proposed is demolition of existing lower ground and ground floor outrigger to facilitate a full width lower ground floor extension with excavation of garden and landscaping, ground floor extension with timber cladding.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of the proposal above as set out in the Council's Decision Notice, which is clearer and more concise than that used in the planning application form. I am satisfied that no parties would be prejudiced as a result.
3. As part of the appeal, the appellant has provided amended plans showing removal of some of the proposed timber cladding, a reduction in the width of the extension and a timber sash window instead of a composite one. Given the small nature of the changes, I do not consider that the interests of any party would be prejudiced if I take these amended plans into account. I shall therefore determine the appeal based on the amended plans.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the area including the Driffield Road Conservation Area (CA), within which it would sit.

Reasons

5. The CA largely consists of a series of mid-to late-nineteenth century residential terraces, principally in six straight parallel streets, of which Ellesmere Road is one. The Driffield Road Conservation Area Character Appraisal and Management Guidelines (DRCAMG), adopted 2017, provide guidance on the CA and its management.
6. The DRCAMG sets out the special qualities of the CA that it seeks to preserve. Relevant to this appeal, the significance of the CA includes a high level of

consistency across the streets and their terraces, and uniformity of form and materials. Although properties in the CA have differences in detailing, they are characteristically small scale, two-storey plus basement in height, and most have rear returns (or 'outriggers').

7. Some of these outriggers vary in terms of their height, form and scale. On page 29, the DRCAMG identifies that the rear elevations of Driffild Road terrace, behind the appeal site, have suffered badly from inappropriately designed and large rear extensions, harming the CA where visible. As such, whilst many of the CA's key elements are from the front elevations of the terraces, proposals to the rear can also cause harm to the CA.
8. The DRCAMG does not however make the same comment in respect of Ellesmere Road, and there remains a degree of rhythm to the rear elevations of properties within the terrace, with most having outriggers of narrower width than their host, particularly at upper floor levels. The DRCAMG advises that wraparound extensions might be acceptable, and that rear extensions should respect the features of the existing building, and the consistency and rhythm of neighbouring properties.
9. 80A Ellesmere Road (No 80A) is one of two flats in a terraced building, a later nineteenth-century addition to its neighbours, added as infill. It has differing front detailing, brick and storey levels from its neighbours. Even so, as a whole, the building retains the appearance of a traditional Victorian terraced property. Its two-storey rear mono-pitch brick outrigger contributes to its character and integrity. The traditional size and arrangement of its fenestration also broadly reflects others nearby. As such, the appeal building makes a modest positive contribution to the consistency and uniformity of the CA and therefore to its significance.
10. The cladding would hide rainwater goods and crumbling brickwork. The proposal also includes a decorative parapet detail, reflecting other properties in the road. Furthermore, the depth of the proposal would align with the most common depth of rear extensions in the terrace. However, although No 80A is described by the appellant as a 'bookend' to the terrace, the long overall length of the terrace means that both ends are not read together as one. As such, the appeal building does not require a different treatment to others mid-terrace.
11. At lower ground floor level, the proposal would extend to the full width of the existing building, deep into the garden, including a full width rooflight. At ground floor level, the proposal would retain something of the step back form of an outrigger, but would be wider, leaving only a relatively narrow setback to the side. As such, although set down lower than others, it would appear out of place with the width of many outriggers in the terrace.
12. The proposal would not be as tall as the extension to adjoining 78 Ellesmere Road, although the form and fenestration of that extension retains more of the appearance of an historic outrigger than the proposal. The proposal may not be the tallest, deepest, or widest outrigger in the road but, taken as a whole, it would have a large depth, bulk and mass. As such, its proportions would be excessive and out of character. Moreover, at both ground and lower ground floor levels, the proposal would physically and visually remove much of the property's existing rear wing, thus resulting in the loss of its distinctive character and form.

13. The proposal would restore windows to the front of the property and includes a timber sash window to the rear. However, the proposed rectangular windows to the side and rear at ground floor level would have a shape and broadly central position that would conflict with the traditional pattern of fenestration of its host. Similarly, the proposed timber cladding would cover much of the elevations of the ground floor element. Its coverage, even as now reduced, would further detract from the traditional pattern of the rear elevation of the host and would add to the clutter and bulkiness of the proposal.
14. For the above reasons, the size, scale, mass, design and materials of the proposal would appear incongruous and discordant. It would conflict with the consistency, uniformity, and rhythm of the surrounding built form, features which are important to the significance of the character and appearance of the CA, that the DRCAMG seeks to retain.
15. The DRCAMG advises that where rear extensions are not visible from the public realm, their impact on the overall character and appearance of the CA is reduced. It therefore follows that some impact can be caused, even when not publicly visible. In this case, there would be few views of the proposal obtainable from public viewpoints. However, the harm caused by the proposal would be seen from the rear elevations of properties surrounding the site and from the tall tower blocks nearby.
16. My attention has been drawn to other examples of extensions to properties locally. At 38 Ellesmere Road, the Council approved¹ a two-storey rear extension. At ground floor this is of full width, and is deeper and wider than the proposal, without a step back. However, the upper floor of its outrigger and its roof are retained, as is its pattern of fenestration, thus allowing the historic form of the building to still be read. It is therefore different to the proposal.
17. At 21 Ellesmere Road, a two-storey rear extension was approved², clad in timber and of a similar width to the proposal but on a narrower plot. However, this 2012 decision is now somewhat dated, and pre-dates adoption of the DRCAMG and so I give it limited weight. A wraparound extension is included in the Council's Guide for Good Design Supplementary Planning Document, and other examples have been cited by the appellant. Individual elements of the proposal can be found on other properties nearby. However, it is the proposal before me, as a whole and combining differing features of nearby proposals, that results in it having little semblance of the existing building.
18. For the reasons given above, I conclude that the proposal would result in harm to the character and appearance of the property, and to the CA as a whole. The statutory duty in Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The proposal would have a negative effect on the significance of the designated heritage asset (the CA) and would result in 'less than substantial' harm in the words of the National Planning Policy Framework (the Framework).
19. In terms of public benefits, the proposal would restore a vacant property, allowing the space to be used more efficiently as a family home and in compliance with space standards. It would also allow a family to remain in the area, retaining community ties. The garden would also be improved, with the

¹ LPA reference PA/21/01721

² LPA reference PA/12/03219

removal of an invasive species of plant and the potential for additional habitat creation, leading to a net gain in biodiversity.

20. The proposal would also be carbon negative and highly insulated, helping to combat climate change. It would also result in wider economic benefits. However, the relatively small-scale nature of the proposal, relating to one dwelling, means that these benefits would be minor. Furthermore, some are essentially private benefits and not all are inherently reliant on the proposal before me. As such, the public benefits of the proposal are not sufficient to outweigh the clear harm to the character and appearance of the CA that would be caused by the proposal.
21. I conclude that the proposal would not preserve or enhance the character or appearance of the CA. As such, it would be contrary to Policies D4 and HC1 of the London Plan, adopted 2021, and policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan, adopted 2020. These require a high quality of design, with a scale, form and materials appropriate to its surroundings. They also require that designated heritage assets and their significance are preserved and conserved. For reasons given above, the proposal would conflict with the DRCAMG, and the aim of the Framework to conserve the historic environment.

Other Matters

22. I have taken into account the support for the proposal from some local residents. Given its position relative to nearby properties, I have no reason to believe that the proposal would harm the living conditions of occupiers of these dwellings and flats. However, this does not change my findings in respect of the main issue.
23. The appellant has expressed concerns regarding a lack of communication with the Council during the application process, and the extended length of time taken to make the decision. However, whilst this must have caused the appellant distress, this does not materially affect my consideration of the planning merits of the appeal proposal.

Conclusion

24. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR