



Appeal Decision

Site visit made on 28 March 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 June 2023

Appeal Ref: APP/E5900/W/22/3308595

41-47 Vallance Road, London E1 5AB

- 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 Vallance Realty Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/01141, dated 20 June 2022, was refused by notice dated 25 September 2022.
 - The development proposed is the demolition of existing fourth storey at 41-47 Vallance Road (so consequent loss of units 17 and 18) and erection of newer larger fourth storey to align with floors below and new set-back fifth floor to provide six units and consequently four net additional via application proposal (units numbered 17-22), amendments to ground floor refuse space and addition of cycle storage at ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following my request for clarification from the parties about the lack of drawings showing the elevations of the building as proposed I was provided with drawings which, although not submitted with the planning application, were used in seeking pre-application advice about the proposed development. Although these drawings were not subject to publicity or consultation through the planning application process, and the appellant indicates their reliance on their 'concept aerial view' photographs which were submitted with the planning application, I have had regard to the drawings used by the Council in providing their pre-application advice in their letter dated 14 April 2022. I do not consider my approach in this respect would have caused prejudice to any party.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the surrounding area;
 - having regard to the size of the proposed flats, whether the proposed development would provide acceptable living conditions for future occupiers in respect of the provision of private outdoor space;
 - whether the proposed development would provide adequate cycle parking facilities to serve future occupiers and thereby support sustainable and active travel options; and

- whether the proposed development would make adequate provision for affordable housing.

Reasons

Character and appearance

4. The appeal site is in a primarily residential area a short walk from the vibrant commercial area around the junction of Vallance Road and Whitechapel Road. The appeal building fronts onto a busy main road and faces Vallance Gardens, a large, well-used landscaped open space, which is flanked on three sides by predominantly three and four storey blocks of dwellings.
5. Notwithstanding the top floor of the appeal building being set back from the main front elevation, overall, the existing building appears from several vantage points as a relatively prominent five-storey block attached to the end of a three-storey residential terrace.
6. While there are examples of taller blocks of flats nearby, these stand discretely apart from the characteristic form of primarily three and four-storey terraces and blocks of flats in the immediate vicinity. The proposal would create an upward extension considerably higher than the terrace to which it is attached and would be seen as towering uncomfortably and intrusively above those dwellings.
7. Although the external appearance of the proposal would largely echo that of the existing building, due to its height and mass the proposal would dominate and detract from the otherwise relatively regular building heights in the vicinity, particularly those around Vallance Gardens with which the appeal site has a strong visual association. The proposal would therefore appear as a dominant, overbearing, and incongruous addition which would have an obvious and adverse visual effect on the character and appearance of the surrounding area.
8. For these reasons the proposed development would harm the character and appearance of the surrounding area. As such, it would conflict with Policy S.DH1 of the Tower Hamlets Local Plan 2031 (January 2020) (the Local Plan) which requires development to meet the highest standards of design and be of an appropriate scale, height, mass, bulk and form in its site and context.

Private outdoor space

9. The appellant contends that the shortfall in private outdoor space is marginally below the requirements of the Local Plan. However, notwithstanding the Council's concern that the shortfall arises through overprovision of 3-bedroom units, there is no dispute between the main parties that the amount of private outdoor space proposed for Flat 17 would be below the minimum requirements.
10. It is also agreed between the parties that the dimensions of the balconies to the proposed fourth floor flats fail to meet the minimum depths required due to their tapered design. This may be an intentional design approach, seeking to replicate the existing arrangement of balconies on the second and third floor of the building. However, it would result in the creation of private outdoor spaces parts of which would not be useable in any practical sense due to their depth. Given the differing external appearance of the existing building at ground, first and fourth floor, I do not find the appellant's justification regarding the design

of the balconies at the proposed fourth floor to be sufficiently compelling such that the proposal should not comply with the development plan in this respect.

11. Nearby open space at Vallance Gardens would be of benefit to future occupiers. However, this open space would not adequately compensate for the failure to meet the defined standards for private outdoor space. Furthermore, it would not fulfil the valuable function provided by private outdoor space which is necessary for the reasonable enjoyment of the proposed dwellings by future occupiers of all ages. The private outdoor space proposed would not meet the minimum requirements set out in the development plan, and the evidence before me does not demonstrate why that should be acceptable in this case.
12. On this main issue, I conclude that, having regard to the size of the proposed flats, the development would be harmful to the living conditions of future occupiers in respect of the provision of private outdoor space. Accordingly, the proposal fails to comply with Policies S.H1, D.H2 and D.H3 of the Local Plan which collectively and in summary require all housing to be well designed, ensuring minimum private amenity space standards are achieved.

Cycle parking

13. The proposal comprises the creation of four additional 3-bed flats. Cycle parking and storage requirements are set out in the development plan, and this equates to a need for at least 8 cycle parking spaces to serve the proposal. While some future residents may choose to store cycles inside their home, this does not address the shortfall in provision. The nearby Transport for London cycle docking stations serve a different purpose in providing cycles for general hire rather than facilitating long term secure storage to serve specific housing development.
14. The appellant's lack of access to alternative space to meet the development plan requirements, which are necessary to support and promote sustainable travel choices, does not justify a failure to make adequate provision for cycle parking at the site. Furthermore, whilst I recognise the appeal site is in a location with good public transport accessibility, and it has a high PTAL (Public Transport Accessibility Level) rating, this does not negate the need to meet policy expectations in respect of promoting a wide range of sustainable and active travel options for future occupiers.
15. The development would fail to provide adequate cycle parking facilities to serve future occupiers and thereby support sustainable and active travel options. Accordingly, the proposed development would be contrary to Policy D.TR3 of the Local Plan and Policy T5 of The London Plan (March 2021) (the London Plan) which establish minimum long-stay cycle parking requirements for development and seek to ensure that development proposals help to remove barriers to cycling.

Affordable housing

16. A completed planning obligation has been provided as a unilateral undertaking by the appellant. This provides for payment of the affordable housing contribution sought by the Council. I recognise that the appellant has expressed their reservations regarding scheme viability. Nevertheless, the unilateral undertaking is properly completed, and the planning obligations are necessary to make the development acceptable in planning terms, directly

related to the development, and fairly and reasonably related in scale and kind to the development.

17. The development would make adequate provision for affordable housing. Accordingly, it complies with the requirements set out in Policy S.H1 of the Local Plan in respect of requiring the provision of affordable housing contributions from schemes of 2 to 9 dwellings.

Other Matters

18. The Council has a substantial housing requirement for the period 2016 to 2031. However, the evidence before me does not demonstrate a failure to meet housing delivery expectations set out in the development plan and in the National Planning Policy Framework (the Framework).
19. I recognise that the site is not within or close to any designated heritage asset, but this does not weigh in its favour or remove the need to properly consider the effects of the design of the proposal on the local area. The Framework is clear that national planning policy seeks to support strong, vibrant, and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful places. Whilst I note the appellant's reference to Policy H2 of the London Plan which supports housing development on small sites, this support is not without qualification, and specifically requires development to be well-designed.
20. The appellant refers to strategic policies in the London Plan that support additional housing development, specifically Policies GG1, GG2 and GG4. However, the need to deliver additional housing is not a policy imperative that is implemented without consideration of the effects that would arise from development. The proposal would contribute towards meeting housing requirements through a net gain of four new dwellings, and I attach moderate weight to this benefit. However, the benefit of providing additional housing would not outweigh the harm that would arise to the character and appearance of the area, or that caused to future occupiers by the failure to meet private outdoor space and cycle parking standards.

Conclusion

21. For the reasons given above, the proposal would conflict with the development plan when read as a whole. Material considerations, including the Framework, do not indicate that a decision should be made other than in accordance with the development plan. Having considered all other matters raised, the appeal is dismissed.

David English

INSPECTOR