



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: 14 July 2023

Appeal Ref: APP/E5900/W/22/3305108

44A Fairfield Road, Tower Hamlets, London E3 2QB

- 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 Christopher Nolan against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/00398, dated 28 February 2022, was refused by notice dated 23 May 2022.
 - The development proposed is Extension of No 44A Fairfield Road providing 1No maisonette and 1No house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - the effect of the proposed development on the living conditions of the occupiers of 44 Fairfield Road in respect of their outlook and light;
 - the effect of the proposed development on the character and appearance of the area having regard to designated and non-designated heritage assets; and
 - whether the proposed development would provide acceptable living conditions for future occupiers in respect of private outdoor space.

Reasons

Living conditions for occupiers of 44 Fairfield Road

3. The appeal property shares a common boundary with the rear garden of No 44 and this, in part, is formed by a two-storey hip-roofed rear projection which is part of the appeal property. The boundary with No 44 beyond the two-storey projection comprises tall close boarded fencing and the rear walls of single storey outbuildings and garages within an enclosed yard.
4. The proposed rear extension would introduce a substantially longer section of solid two-storey wall along the common boundary which the Council state would extend the depth of the existing two-storey projection at the appeal property by approximately 2.8 metres. The roof of the proposed extension would match that of the existing two-storey projection and would be hipped at its end. Having regard to the orientation of the buildings, with No 44 being generally to the south of the appeal property, the proposal would not result in

a significant change in respect of sunlight and daylight available in the house and garden of No 44 compared with the current situation. The proposal would therefore not be harmful in this regard. Similarly, overshadowing would change only minimally and not to any harmful extent.

5. However, due to its height, mass, scale and positioning along the common boundary, the proposed development would create an unacceptably long, tall, overbearing and dominant solid structure close to the lower ground floor and ground floor windows in the rear elevation of No 44 serving a kitchen/dining room and a living room. The proposal would harmfully diminish the outlook from those windows, it would be overbearing and oppressive, and the existing circumstances do not justify a proposal that would make living conditions substantially worse at No 44. The generous length and area of the rear garden to No 44 would not compensate for the harm that would arise to the living conditions of the neighbouring occupiers in respect of their outlook.
6. Whilst I have not found harm in respect of light, the proposed development would result in harm to the living conditions of the occupiers of 44 Fairfield Road in respect of their outlook. Accordingly, the proposal would conflict with Policy D6 of The London Plan (March 2021) (the London Plan) and Policies S.DH1, D.DH2 and D.DH8 of the Tower Hamlets Local Plan 2031 (January 2020) (the Local Plan) which require, amongst other things, that development protects the amenity of existing buildings and their occupants including by ensuring existing rooms have an acceptable outlook.

Character and appearance

7. The appeal site is in the Fairfield Road Conservation Area (the Conservation Area). Accordingly, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area as a designated heritage asset. The site is on the opposite side of Wrexham Road to the Grade II listed Bow Garage whose side wall abuts the footway along that road and whose main entrance opens onto Fairfield Road. I have therefore had special regard to the desirability of preserving the setting of that listed building as a designated heritage asset.
8. The appeal property is attached to No 44, a non-designated heritage asset that comprises one half of a pair of locally listed semi-detached houses, the other being 42 Fairfield Road. The site is also on the opposite side of Fairfield Road to a locally listed terrace of houses, 21-49 Fairfield Road. Paragraph 203 of the National Planning Policy Framework (the Framework) requires that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application, and that a balanced judgement, having regard to the scale of harm or loss and the significance of the heritage asset, is required in weighing such applications. I have determined the appeal in accordance with this requirement.
9. The proposal would involve extensions above and to the rear of the existing property, a two-storey traditional red brick building at the end of a short terrace on the corner of Fairfield Road and Wrexham Road. It contains a convenience store at ground floor with a one-bedroomed flat above. The shop at ground floor would be retained, thereby maintaining active frontages, and the proposed extensions would create a maisonette above the shop and a new two-storey dwelling attached to the rear.

The Conservation Area

10. The Conservation Area comprises a wide range of buildings of varying size, age and use. The character of the area is created by a mix of uses with industrial activity focused largely alongside the railway, commercial and service uses along the A11 Bow Road, and housing, primarily in terraces, situated between those main transport corridors and around the historically significant Grove Hall Park. The significance of the Conservation Area is derived from its historical association with the growth of Bow since the eighteenth century, and from the architectural quality of the predominantly two-storey residential terraces and a few historic landmark buildings including St Mary Bow Church, the former Bryant and May factory, and Bow Garage.
11. The design and appearance of the terraced housing varies throughout the Conservation Area, and within the vicinity of the appeal site. However, there is a good degree of uniformity in appearance and in the scale of the dwellings within most of the streets. This uniformity reinforces the attractiveness of the terraces and, along with the interesting architectural detailing, is a key characteristic that informs the significance of the Conservation Area. The appeal property differs from this general feeling of uniformity in the area, and it appears somewhat dwarfed due to its size in comparison to the buildings at Nos 42-44, and the imposing Bow Garage opposite. Nevertheless, the appeal property provides architectural and aesthetic interest which contributes to the significance of the Conservation Area.
12. There would be an appropriate degree of symmetry maintained in the appearance of the appeal property through the positioning and size of windows in the proposed extension where it would face Fairfield Road. The rear extension, within which a new dwelling would be created, would front onto Wrexham Road and, being two-storied, would be of a scale commensurate with the nearby terrace along that road and with housing in Jebb Street, a terrace immediately to the rear of the site. The rear extension would also include a two-storey gabled bay facing Wrexham Road and this feature would echo design features in the existing building and those found in neighbouring dwellings in Jebb Street.
13. When seen close by and in context from all directions, the proposed development would be read alongside the various buildings in the street. Although it would introduce a taller form of built development than currently exists on this prominent corner plot, the form of development proposed would not in itself appear out of place and it would add further interest to the frontages to Fairfield Road and Wrexham Road. As a result of its design, scale, massing and siting, the proposed development would respect the context within which it would be experienced, and the design of the proposal would be neither intrusive nor harmful. Accordingly, the proposed development would preserve the character and appearance of the Conservation Area and would not harm its significance as a designated heritage asset.

Listed buildings

14. The proposed development would be on the opposite site of Wrexham Road to the Grade II listed Bow Garage. In the position and at the scale proposed, it would have only an indirect relationship with that listed building. It would not affect or detract from the assertive presence of Bow Garage on the streetscape, nor would it affect its architectural or historic interest, or its

setting within the main road frontage to Fairfield Road, or within the frontage to Wrexham Road. Accordingly, the proposal would preserve the setting of that listed building as a designated heritage asset.

Non-designated heritage assets

15. While not forming part of one of the characteristic longer terraces, the locally listed buildings to which the appeal property is attached have a similar architectural quality as the terraces, they have a high aesthetic value, and are significant in their own right. They comprise an impressive and imposing pair of dwellings within the street due to their positioning forward of an adjacent modern block of flats, their substantially greater height than most of the nearby terraced housing, and their architectural detailing, particularly around the front doors and the windows. Their relative importance is emphasised by distinctive elevated main entrances which distinguish the buildings visually from others nearby.
16. The proposal would maintain a significant difference between the ridge height of the roof of the appeal property and the top of the mansard roof of No 44. Although the proposed extension above the existing shop would create accommodation on four floors, including through the use of space within the roof and the creation of a terrace at roof level, its scale and massing would maintain the subservience of the appeal property in relation to No 44 which would continue to appear more prominent in the frontage to Fairfield Road than the appeal property.
17. The appeal property forms part of the surroundings in which the non-designated heritage assets are experienced. However, the proposed development would not prevent the continued appreciation of the visual appeal of those non-designated heritage assets, it would not directly or indirectly alter the features of particular value displayed at the houses, it would not impede views of the houses, and the way in which they address the main road would be unaffected by the proposed development. Accordingly, the ability to appreciate the aesthetic value of those dwellings would be largely unaltered by the proposed development which would not harm their significance.
18. The proposed development would be on the opposite site of Fairfield Road to the locally listed terraced dwellings at 21-49 Fairfield Road. The proposal would have only an indirect relationship with these buildings due to the distance separating the proposal from that terrace, and the regular flow of traffic passing along Fairfield Road. Accordingly, the architectural or historic interest and the setting of the locally listed terrace would remain unaffected by the proposal, and its significance as a non-designated heritage asset would not be harmed.
19. The proposal would preserve or enhance the character and appearance of the area having regard to designated and non-designated heritage assets. It therefore accords with Policies D4 and HC1 of the London Plan and Policies S.DH1, S.DH3 and D.DH2 of the Local Plan which, in summary, require development to meet the highest standards of design and be of an appropriate scale, height, mass, bulk and form in its site and context; that proposals must preserve or, where appropriate, enhance designated and non-designated heritage assets in a manner appropriate to their significance; and that development makes a positive contribution to the public realm.

Living conditions for future occupiers of the proposed development

20. Private amenity space would be created for the proposed maisonette in the roof space. While this may be a somewhat novel approach, the evidence before me does not demonstrate that the space would not meet the minimum standards required by development plan policies. The space proposed would be adequate to meet the needs of future occupiers.
21. The proposed new dwelling facing Wrexham Road would have a private garden area significantly larger than the minimum requirement set out in the development plan. The height of fencing proposed around the garden is disputed and is suggested as being between 1.2m and 1.8m high. Even if the garden were to be enclosed by a 1.8m high boundary fence it would not result in that space being unusable. The space proposed would be adequate to meet the needs of future occupiers.
22. The proposed development would provide acceptable living conditions for future occupiers in respect of private outdoor space. Accordingly, it complies with Policy D6 of the London Plan and Policies D.H3 and D.DH8 of the Local Plan which require development to protect the amenity of new buildings and their occupants and ensure the defined minimum private amenity space standards are achieved in new housing development.

Other Matters

23. The Framework encourages the effective use of land in meeting the need for homes, including providing a variety of housing types. However, this encouragement is not unqualified, particularly in respect of ensuring safe and healthy living conditions. The proposal would be of benefit in contributing to the delivery of additional housing in the area, including a 3 bedroomed home for which there is a recognised need, and I attribute modest weight to this benefit. However, this benefit would not outweigh the significant harm I have identified that would arise to the living conditions of neighbouring occupiers.

Conclusion

24. I have not found harm in respect of the effects of the proposal on designated and non-designated heritage assets or on the living conditions of future occupiers. However, in my view, the harm to the living conditions of neighbouring residents is the prevailing consideration. 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