



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: 18th July 2023

Appeal Ref: APP/E5900/W/22/3311657

Pier Tavern, 299 Manchester Road, Tower Hamlets, London E14 3HN

- 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 Jason Spearing of JCS Developments against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/01458, dated 26 July 2022, was refused by notice dated 21 September 2022.
 - The development proposed is a single storey mansard roof extension to public house accommodating domestic extensions to two dwellings.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework), at paragraph 203, 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. Furthermore, the Framework states that in weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm and the significance of the heritage asset. While I note the Council's comments concerning the need to weigh any harm to a non-designated heritage asset against the public benefit of the proposal, I have considered the appeal in accordance with the requirements of paragraph 203 of the Framework.

Main Issues

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property is a locally listed building whose significance arises from its association with the development of the south-eastern part of the Isle of Dogs, known as Cubitt Town, in the mid-nineteenth century. The area was developed as a planned expansion to accommodate industry linked with the Thames and to provide associated housing. Many of the original buildings have now been redeveloped, including most of those in the vicinity of the appeal site. Accordingly, the appeal property stands as a largely isolated historic link to the original scheme for the development of Cubitt Town.
5. While the building is lower than nearby modern blocks of flats fronting Manchester Road, it is a prominent structure that draws the eye due to its

position projecting further into the street than those neighbouring blocks of flats. Although there is variety in the heights, roof forms and external finishes to nearby buildings, the appeal property is noticeable for its distinctive, simple but pleasant detailing commensurate with its age and with its use as a public house.

6. Planning permission was recently granted for works to extend and alter the appeal building to create flats (Council ref: PA/18/01351/A1), and those works have been completed. Those alterations are sympathetic to the scale, height, mass and form of the original building. They are well balanced, echo the rhythm in its fenestration and, through the flat roofed design of the extension to the rear which reaches a height commensurate with the top of the parapet walls surrounding the roof of the appeal building, sit comfortably in their context.
7. The proposed development would introduce an upward extension comprising a mansard roof which would create additional living space in two of the dwellings created through the recently completed development. While the mansard would be set in from the external walls of the building and would be partially obscured by the parapet walls, due to its height it would be clearly visible in views along Manchester Road, and from nearby dwellings.
8. The building, as recently extended, appears as a coherent block having a purposely consistent roof height and form. This adds to the positive contribution the building makes to the character and appearance of the area. In contrast to the current visual coherence, due to its scale and height above the parapet walls, the proposal would introduce a substantial extension above the existing consistent height of the building. This large, incongruous addition to the roof would be harmfully disruptive to the appearance of the roofscape when viewed from all public vantage points. I attribute substantial weight to this harm which would adversely affect the significance of this prominent and historically important building.
9. Mansard roofs may be a feature of public houses of a similar age to the appeal property and have been added relatively recently to those other public houses to which my attention has been drawn. However, from the evidence I have seen, these examples are not directly comparable with the proposal before me. They are all some considerable distance from the appeal property and will have their own context. While some may be locally listed buildings, their context will differ in respect of their historic associations. These would not compare with the appeal property, which is one of relatively few remaining original buildings in this part of Cubitt Town. For these reasons, the examples to which I have been directed do not weigh strongly or decisively in favour of this proposal. These other developments would not justify the harm I have identified in this case which, in any event, I have determined on its own merits.
10. Policy GG2 of The London Plan (March 2021) (the London Plan) seeks to make the best use of land, including by enabling the use of brownfield land and through using small sites. However, it is often the case that development plan policies can pull in opposite directions. The encouragement given in Policy GG2 must be read alongside other development plan policies concerning the assessment of development proposals that directly affect non-designated heritage assets and must also be balanced having regard to the requirements set out in the Framework. The evidence I have seen does not demonstrate that

the proposal would comprise the best use of land or that this expectation outweighs the scale of harm I have identified that would arise from the proposal to a locally significant heritage asset.

11. For these reasons the proposed development would harm the character and appearance of the host property and the surrounding area. As such, it would conflict with Policies D3 and HC1 of the London Plan and Policies S.DH1, S.DH3, and S.SG2 of the Tower Hamlets Local Plan 2031 (January 2020). These policies, collectively and in summary, require development to enhance local context by delivering buildings that respond positively to local distinctiveness; conserve the significance of heritage assets by being sympathetic to the assets' significance and appreciation within their surroundings; meet the highest standards of design and be of an appropriate scale, height, mass, bulk and form in its site and context; represent good urban design including by providing coherent roof lines; preserve non-designated heritage assets in a manner appropriate to their significance; and not result in unacceptable impacts on the historic environment.
12. Policy D4 of the London Plan addresses the design process rather than establishing design standards or criteria against which proposals should be assessed. As such, Policy D4 is not a relevant policy in my consideration of the main issue in this case.

Balance and Conclusion

13. The proposal would not affect the social significance of the appeal property which, while being vacant at the time of my site visit, appears from the evidence to still have planning permission to operate as a public house. However, this is a neutral consideration in this case.
14. The proposed development would provide more spacious accommodation in two existing flats, and I ascribe a modest degree of weight to this benefit of the proposal. However, this modest benefit to living conditions would be clearly outweighed by the significant degree of other harm identified.
15. 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