



Appeal Decision

Site visit made on 7 November 2023

by Mark Philpott BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14.12.2023

Appeal Ref: APP/E5900/D/23/3328439

176 Bow Common Lane, London E3 4HH

- 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 Dr Jahangir Hussain (Qaj Management Limited) against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/23/00702, dated 3 April 2023, was refused by notice dated 5 June 2023.
- The development proposed is single bedroom roof extension to terrace house.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. There is a slight discrepancy in the names specified on the planning application and appeal forms. I have taken the name from the former for the purposes of the above heading.

Main Issues

3. The main issues are the effects of the proposed development on:
 - the character and appearance of the site and the surrounding area, including the Ropery Street Conservation Area (CA); and
 - the living conditions of the occupiers of 174 and 178 Bow Common Lane with regard to light.

Reasons

Character and appearance

4. The site relates to a two storey, mid-terrace dwelling that fronts Bow Common Lane near the boundary of the CA. It is close to a junction with Joseph Street, which runs roughly perpendicular to Bow Common Lane but is outside the CA.
5. The dwelling has a front parapet wall with a butterfly roof behind. Its façade features a ground floor bay window, a recessed porch, two first floor windows with arched heads and brickwork detailing around parapet level. Most of the other dwellings in the terrace have similar proportions, roof forms and features, such that it has a cohesive and rhythmic character and appearance overall. This is the case despite a few anomalous dwellings such as adjoining No 174, which is comparatively wider, less detailed and features an undercroft that serves Michael Close. Nevertheless, aside from chimney stacks, there is little development projecting above the parapets of the dwellings in the terrace.

6. Although there is a slightly greater degree of variety within the CA more widely, its special interest and significance is derived largely by similarly proportioned, attractive, cohesive and detailed terraces to the one that No 176 is part. Accordingly, No 176 and the host terrace contribute positively to the character and appearance of the CA as a whole. The character and appearance of the locality outside the CA is far more varied, but No 176 and the rest of the terrace nevertheless add to the quality of the wider built environment.
7. The proposed roof extension would be set back from the parapet and appear as a small addition relative to the size of No 176 when viewed from the front. However, it would have a higher maximum height than the frontmost stack and be visible from Bow Common Lane and particularly on approach from Joseph Street. There is nothing comparable that projects above the terrace's parapet when viewed from the front and thus the extension would be a discordant feature that would undermine the consistency of the terrace and its rhythm at roof level. Furthermore, the proposal would appear disproportionately large and contrast poorly with the butterfly roof when viewed from the rear, due to its width, height and siting in the valley of the roof slopes close to the rear wall of the principal part of the dwelling.
8. While the nearby Sarum Terrace features mansard roof elements that would not be dissimilar to the proposed extension, those are consistent features of that terrace, whereas the proposal would be an incongruous and disruptive addition to the terrace hosting No 176. Consequently, the contribution that No 176 and the rest of the terrace makes to the CA would be diminished. The character and appearance of the CA as a whole, and the wider area, would be harmed as a result. The presence of anomalous properties in the host terrace and the wider CA, and the more mixed townscape outside the CA, does not lead me to conclude otherwise.
9. Having regard to the nature of the scheme and the impacts on the significance of the CA, the harm would be less than substantial in the terms of the National Planning Policy Framework (Framework). In such circumstances, the harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use. Although I do not doubt that the proposal would offer improved accommodation, this benefit would accrue principally to the occupiers. Further, No 176 is currently in its optimum viable use as a dwelling. Overall, the sum of the public benefits is insufficient to outweigh the great weight that even less than substantial harm to a designated heritage asset carries.
10. The proposal would be harmful to the character and appearance of the site and the surrounding area, and fail to preserve or enhance the character or appearance of the CA. Consequently, it conflicts with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the heritage protection policies at Section 16 of the Framework. Moreover, it conflicts with policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan (LP), which require proposals to respect and positively respond to context and preserve or enhance the borough's designated heritage assets in a manner appropriate to their significance.

Living conditions

11. The Council contends that in the absence of a daylight and sunlight assessment, it is unable to confirm whether the proposal would unduly impact

on light levels to the occupiers of Nos 174 or 178. I note that paragraph 8.89 of the LP states that such assessments should be provided where adverse effects are anticipated.

12. The proposed extension would occupy a mostly southerly position relative to the neighbours' rear windows and modest gardens. The windows and garden to the rear of No 178 would be some distance from the proposal and the roof slope of its rear projection would be intervening such that unacceptable harm would not arise to the occupiers of that property. However, No 174 has windows and part of its garden positioned close to where the proposal would be located. Although direct light to No 174 is already restricted to an extent by the form of the existing terrace, it is nevertheless highly likely that light levels to those windows and the garden would be reduced by the extension.
13. It is put forward that the Council did not raise concerns regarding living conditions for a prior scheme with greater impacts than the proposal. However, full details regarding the design and position of that development have not been provided and thus I cannot be certain as to the effects it may have had. Nevertheless, based on the evidence before me, the living conditions of the occupiers of No 174 would be harmed unacceptably in terms of light loss. As such, the proposal conflicts with LP Policy D.DH8, which states that development must not result in an unacceptable material deterioration to the light conditions of neighbouring properties.

Conclusion

14. For the reasons given above, the appeal should be dismissed.

Mark Philpott

INSPECTOR