



Appeal Decision

Site visit made on 19 February 2024

by J Hills MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29TH February 2024

Appeal Ref: APP/E5900/W/23/3329059

Wellington Buildings, Wellington Way, Tower Hamlets, London E3 4NA

- 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 Upspace Construction Services against the decision of the London Borough of Tower Hamlets.
 - The application Ref PA/22/02634/A1.
 - The development proposed is erection of infill extension to Building 2 to create a 4-bed dwelling house with ground floor amenity space.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The National Planning Policy Framework (the Framework) was revised on 19 December 2023 and is a material consideration in planning decisions. Having regard to the matters that are most relevant to this appeal, there have been few substantive changes albeit that the numbering of paragraphs has changed. The appellant has referred to this and the Council has had an opportunity to comment. Hence, I am satisfied that no one will be prejudiced by the changes to the national policy context.

Main Issues

3. The main issues are (i) whether the proposed development would preserve or enhance the character or appearance of the Tower Hamlets Cemetery Conservation Area (CA); and (ii) the effect of the proposal on the living conditions of future and nearby occupants, with particular regard to sunlight and daylight.

Reasons

Character and appearance

4. The appeal site comprises an area of land adjoining one of a pair (buildings 1 and 2) of well preserved, 5 storey residential units known as 'Wellington Buildings'. For the purposes of this appeal, I refer to the building that would adjoin the proposed 3 storey property as 'building 2'. The unlisted buildings are of a similar appearance, though building 1 is the smaller of the two. These elegant and notably prominent buildings, along with the smaller former bathhouse and laundry form a high density, compacted triangular plot layout.
5. Building 1 has a 3 storey element to one of its flanks. This is of a matching design and material to the primary built form and includes openings focused on the frontage elevation, rather than to the side or rear. This addition does not

extend along the full depth of the building. For these reasons, the eye is not drawn to this 3 storey addition.

6. The buildings are not precisely symmetrical in their own right. However, the presence of their tall, characterful end elevations and tenements provides a broad sense of symmetry that forms a prevailing characteristic. Whilst there may be other examples of these types of buildings in the wider area, their historic links to the Suffrage movement and adjacent station are of note. Accordingly, there is no dispute between the parties that Wellington Buildings are non-designated heritage assets.
7. In that context, the appeal site is within the CA. As such, there is a statutory duty to pay special regard to the desirability of preserving or enhancing the character or appearance of the CA, where great weight is given to its conservation. The significance of the CA derives from its historic association with the expansion of industry and transport in the Victorian period and beyond. The cemetery, workhouses, infirmaries and terraces with notable buildings characterise this diverse designation.
8. The part of the CA the appeal site lies within and its setting is characterised by its nearby grouping of Victorian terraces and notable buildings. Wellington Buildings and the appeal site are close to and visible from the grade II listed Bow Road Underground Station and its platform. As such, there is a statutory duty to pay special regard to the desirability of preserving the building or its setting. The listed building's significance stems from mid/late 19th century construction as a red brick station. The evidence provided shows that Wellington Buildings were built in the early 20th century to house the occupants of demolished houses displaced through the construction of the station.
9. Despite this shared historic and visual link, the proposal would be positioned at the end of building 2, farthest from the listed building. Although there would be glimpsed views of the development from Bow Road, with the listed building in the foreground, its setting would not be affected.
10. It is acknowledged that there are other distinctive parts of the CA, including the cemetery and St. Clements Hospital that would not be directly affected by the proposal. It is however important to consider the effect on a conservation area as a whole rather than on particular parts of it. In that context, whilst more is written about the cemetery and hospital areas, it is noted that the Council's CA Character Appraisal does not state that Character Area 3 (as defined within the appellant's heritage statement) is consequently any less valuable an asset. As such, despite an evolving townscape and the presence of functional 20th century buildings within this part of the CA, Wellington Buildings form a key component part of the CA's history and overall designation.
11. The evidence provided shows that other buildings previously existed adjacent to, but not adjoining building 2. The first of which did not survive past 1950. The second building, including a workshop and lock ups, was last photographed in the early 1980's. However, even if their scale is accurately depicted, these features are no longer apparent. Therefore, I have assessed the contribution the appeal site has to the CA in its present day sense and give this factor very limited weight. Moreover, given the proposal would be attached to and form part of building 2, the significance and heritage value of the appeal site includes this part of building 2 and the absence of built form adjoining it. This

absence of development better reveals the decorative architectural features of interest and presence of the building within its immediate and wider setting.

12. The proposed building would include red and yellow stock bricks to match the existing tenements and a slight set back link in white brick. This would retain the corner detailing of building 2 and provide a continuity of colour theme in its elevations. Additionally, the proportionality and height of proposed fenestration to the primary built form would be in broad alignment with the host building. In that context, the proposed framing materials would not be objectionable. Whilst a pastiche design has not been followed, the bold and simplistic fenestration and door detail would however accentuate the proposal's presence against the host building's more delicate features, rather than being subservient to it. These design features would therefore not be complementary.
13. The proposed height of the flat roof would sit below the diaper brickwork, which would avoid the physical erosion of this particular piece of detailing. However, the overall bulk and massing of the proposal would consume a large proportion of the characterful end elevation of building 2, and a sizeable extension from it. Consequently, unlike the smaller scale and more compact design of building 1's extension, the scheme would result in an excessive addition that would appear out of place and unrhythmical within the context of Wellington Buildings. For these reasons, the overall scale, massing and design of the development would irrevocably and harmfully erode a key flanked wall feature of this historic building.
14. Views of the proposal from within the Wellington Buildings complex would be limited due to its corner plot orientation. Some angled views would be available from within the nearby courtyard and bathhouse/laundry building. However, even if I did not take into account the presence of moveable vehicles, the scheme would not dominate these private views.
15. It is submitted that public views from Mornington Grove are distant and of much less significance than the courtyard. Regardless of its positioning outside the CA and limited visibility from Bow Road, I observed the view from Mornington Grove to be relatively close range, and one with a focal point that included the striking presence of the end elevation of building 2. Additionally, it is claimed that visibility of Wellington Buildings will be lost at many locations along this road, following a planned development. However, in this respect, an uncontested 3rd party representation shows that this planning permission would be of a small scale and would not significantly disrupt these current views. I find no reason to disagree. Moreover, the evidence shows that it is likely the development would partially obscure valuable views of the diaper brickwork from parts of Mornington Grove.
16. The proposal would cause less than substantial harm to the CA's significance as a designated heritage asset due to the relatively small scale of the development proposed. Paragraph 208 of the Framework explains that in such circumstances, it is necessary to balance the harm against the public benefits of the proposed development.
17. The proposal would provide a spacious additional family home where there is said to be the highest need in the Borough. It would be in a sustainable location and would make use of previously developed land, outside the Green Belt. The scheme would generate employment during the construction phase and continued future expenditure in local shops and services. There would be a

New Homes Bonus and additional tax/infrastructure payments. As such, there would be some modest economic benefits. Fly tipping and anti-social behaviour could be reduced by the development of the corner plot, which would represent a minor social benefit. However, any such benefits would not be sufficient to outweigh the harm I have found to the designated heritage asset.

18. Therefore, I conclude on this main issue that the proposal would fail to preserve or enhance the character or appearance of the CA. Consequently, the proposal would be in conflict with policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031, January 2020 (THLP) which, amongst other things, require developments to be of an appropriate scale, bulk and mass in their site and context; and of good urban design that compliments streetscape rhythm. Additionally, proposals must preserve or enhance designated and non-designated heritage assets.

Living conditions

19. Policy D.DH8 of the THLP says, amongst other things, that development must ensure adequate levels of daylight and sunlight for new residential developments, including amenity spaces within the development. In order to attempt to address one of the Council's reasons for refusal, the appellant has submitted a daylight, sunlight and overshadowing report. This report indicates broad compliance with current BRE standards which is not disputed by the Council. However, the Council remains concerned that no assessment has been made of daylight and sunlight levels within the proposed communal amenity space.
20. Whilst it is acknowledged that this space would cover a small area and would not be a requirement of the development, it nevertheless forms part of the proposed scheme. The aforementioned policy is unequivocal in its requirements. Therefore, in the absence of any substantive evidence to the contrary, the proposal fails to demonstrate that adequate levels of daylight and sunlight would be achieved within the communal amenity space.
21. Therefore, I conclude on this main issue that the proposed development would harmfully affect the living conditions of future and nearby occupants, with particular regard to sunlight and daylight. Consequently, the proposed development would conflict with Policy D.DH8 of the THLP.

Other Matters

22. During the course of the appeal and in response to the Council's second reason for refusal, the appellant has provided a plan showing how additional refuse capacity could be added to land within their ownership. Having paid regard to third party comments in this respect, had I been minded to allow the appeal, I am satisfied that proportionate waste management measures could be secured by the use of an appropriately worded condition. The scheme would therefore not conflict with Policy D.MW3 of the THLP.
23. In addition to Bow Road Underground Station there are other grade II listed buildings near the site and consequently there is a statutory duty to pay special regard to the desirability of preserving their setting. From the evidence before me and my own observations it is apparent these buildings are separated from the appeal site by intervening built form or distance. As such, the appeal

proposal does not affect their setting. Furthermore, neither main party has raised any concerns in this respect.

24. The appellant refers to unsympathetic additions to the bathhouse/laundry building, balconies and the use of UPVC reducing the architectural integrity of the Wellington Buildings complex. They further submit that the proposed addition to building 2 would continue a trend in the occupation and evolution of these buildings. Even though the CA has evolved over time, this would not be a reason in itself to allow unacceptable development. In any case, I have determined the appeal based on my own observations and the evidence before me.
25. I have paid regard to the appellant's comments in respect of the planning history and representations linked to the question of the principle of development. However, these have no bearing on my decision which is based on the planning merits of the proposal.
26. The Council's submissions at the appeal in respect of the size of existing and proposed communal space do not reflect any previous design or heritage concerns. I have not taken them into account.

Conclusion

27. For the reasons above, and taking into account all other matters raised, I conclude that the proposed development would fail to accord with the development plan as a whole and there are no considerations individually or cumulatively that outweigh this. Therefore, the appeal is dismissed.

J Hills

INSPECTOR