



Appeal Decision

Site visit made on 21 February 2024

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th March 2024

Appeal Ref: APP/E5900/D/23/3328848

52 Hesperus Crescent, Tower Hamlets, London E14 3AD

- 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 Mondo Zeqaj against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/23/00887.
- The development proposed is the demolition of adjacent storage at rear, erection of single storey rear extension with materials to match existing, and a loft conversion with rear dormer and front roof window.

Decision

1. The appeal is allowed and planning permission is granted for the demolition of adjacent storage at rear, erection of single storey rear extension with materials to match existing, and a loft conversion with rear dormer and front roof window at 52 Hesperus Crescent, Tower Hamlets, London E14 3AD in accordance with the terms of the application, Ref PA/23/00887, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
 - HesperusCr52 02 (Proposed Plans and Site Plan)
 - HesperusCr52 03 (Existing & Proposed Elevations/Section)
 - HesperusCr52 04 (Existing & Proposed Side Elevation/Section)
 - Flood Risk Assessment
 - 3) Other than the flat roof (rear dormer), the materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The roof light hereby approved on the front elevation shall be conservation style and flush fitting to the roof slope.

Preliminary Matters

2. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023 and updated it on 20 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I have not sought further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by taking this approach.

Main Issue

3. The main issue of the appeal is the effect of the proposed development on the character and appearance of the area, including whether the proposed development would preserve or enhance the character or appearance of the Chapel House Conservation Area.

Reasons

4. The appeal site is a two-storey, mid-terraced property, with a pitched roof. It is located within a short terrace of four properties, all of which match the host dwelling with respect to materials, ridge and building lines, and relationship with the street scene. The appeal property is located within a predominantly residential area, comprising mostly terraced and semi-detached houses, there is also a three-storey block of flats close by, which fronts Harbinger Road.
5. The appeal site is located within Chapel House Conservation Area (CHCA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
6. The significance of the CHCA lies in its 'Garden City' style of residential development, which comprises individual properties grouped on curved roads, set back from the road with front gardens. Although modest in both scale and design, there is a uniformity in scale and layout, which is regarded as being key to the preservation of the character and appearance of the area. Each block of dwellings, in this case four, is set beneath a single roof line, this uniformity also contributes positively to the character and appearance of the area. The significance of the CHCA in so far as it relates to the appeal site is in its contribution as a mid-terrace, two-storey property, to this scale, layout, and pattern of development.
7. The proposed development would comprise a single storey rear extension, loft conversion with rear dormer and installation of a roof light into the front elevation roof slope. The proposed rear extension would extend across the full width of the existing property but has been designed to fit the shape of the site which has an angled rear garden. It will extend approximately 3.5 metres from the rear wall of the host property and would measure approximately 3 metres high, with a flat roof. A single storey store situated on the boundary with No. 54 would be demolished. The walls are to be coated in pebble dash render and the proposed door and window to the rear will be double glazed uPVC units, with the finishing materials and fenestration to match the rear elevation of the existing house.
8. During my site visit, I observed that front rooflights, similar to the one proposed, are a common feature in the surrounding area and for this reason, I find this element of the proposal would have a neutral effect on the CHCA. The proposed rear extension by virtue of its siting, scale and design would not be harmful to the character and appearance of the area, or cause harm to the significance of the CHCA. The Council does not object to these parts of the proposed development, and I find no reason to disagree.
9. The proposed rear dormer would measure approximately 4.14 metres in width, 2.94 metres in depth and 2.35 metres in height. It would be set in by approximately 750mm from the parapet walls, 400mm below the ridgeline and

600mm above the eaves. It would be clad in plain roof tiles to match the existing roof slope and would have two uPVC windows.

10. The proposed dormer window would only be visible from the rear of the property, and from gardens of other properties in the crescent, which have views towards other properties, by virtue of the curved layout of the crescent. The proposed development would not be visible within the street scene or from areas of the public realm. As a result, although the addition of a rear dormer would alter the roof profile of this elevation, it would not be a prominent addition that could be viewed from within the wider conservation area. The dormer would be set below the ridgeline, above the eaves and set in from the sides. Therefore, the proposed dormer would appear as a subordinate addition and would not detract from the character and appearance of the host property.
11. The Chapel House Conservation Area Character Appraisal and Management Guidelines, March 2007 (CAMG) states that the uniform rooflines amongst groups contribute to the character of the CHCA. The addendum to the CAMG (dated July 2016) the basic historic forms of the main roofs of the various terraces have survived, even where roof covering materials have been subject to change and/or other small-scale changes have occurred and identifies 'suitable locations' for roof extensions. It identifies a very small number of properties located on East Ferry Road¹. These areas are identified as being locations where changes to the main roofs would not harm the overall significance, character, and appearance of the CHCA.
12. However, it also acknowledges space pressures facing families and the need to accommodate changing residential needs within the CHCA. Indeed, there are several properties in the locality which have been altered or extended in some way. Whilst the appeal site is not identified within this document as a 'suitable location', the proposed rear dormer would not be visible above the existing ridge line, by virtue of being set down by approximately 400mm from the ridge. Therefore, the ridgeline, visible from the CHCA would not be altered thereby retaining its uniform appearance when viewed within the street scene.
13. From the rear garden of the appeal property, it is possible to observe some examples of dormer extensions to other properties within the Crescent, including Nos 4², 26³ and 30⁴ Hesperus Crescent. Both Nos. 26 and 30 are mid-terrace properties. However, whilst I only have limited details of the schemes, I understand that these approvals may have been granted by the Council prior to the CAA addendum being published. Nevertheless, these additions are not unduly prominent, and only visible within rear gardens of neighbouring properties. In this respect, they are similar to the appeal site.
14. Whilst there would be some conflict with the guidance contained within the CAMG, in that the appeal site is not one of the identified locations for roof extensions, for the above reasons, I find that it would not cause harm to the significance of the CHCA which is predominantly derived from its layout, pattern and uniformity of design, all of which would be unaltered and could continue to be interpreted from Hesperus Crescent.

¹ Nos. 202 to 224 (even numbers only)

² Planning Application Ref: PA/06/01725

³ Planning Application Ref: PA/15/02683/NC

⁴ Planning Application Ref: PA/15/00567/NC

15. Consequently, I therefore find that the proposed development would not cause harm to the character and appearance of the area and would preserve the character and appearance of the CHCA. It would thus comply with Policy S.DH3 of the Tower Hamlets Local Plan 2031, adopted January 2020 which requires, amongst other things, development to preserve or, where appropriate, enhance the Borough's designated and non-designated heritage assets in a manner appropriate to their significance and also states that proposals will only be permitted where they are appropriate in terms of design, height, scale, form, detailing and materials in their local context.

Conditions

16. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance.
17. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interest of certainty.
18. Further conditions requiring the materials to match those used on the existing building and the installation of conservation style rooflight are required to avoid harm to the CHCA and to protect the character and appearance of the area.

Conclusion

19. For the above reasons, the proposed development would accord with the development plan taken as a whole and taking into account all other matters raised, I conclude that the appeal should be allowed.

K Lancaster

INSPECTOR