



Appeal Decision

Site visit made on 12 March 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 April 2024.

Appeal Ref: APP/E5900/D/24/3336587

40 Chapel House Street, Tower Hamlets, London E14 3AS

- 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 C Smith against the decision of The London Borough of Tower Hamlets Council.
 - The application Ref PA/23/01876, dated 9 October 2023, was refused by notice dated 5 December 2023.
 - The development proposed is a single storey side/rear extension and first floor rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the Government published the revised National Planning Policy Framework (the Framework) on 19 December 2023. I consider that there have been no major changes relevant to the main issue in this appeal. It will therefore not prejudice any party by making my decision with regard to the revised Framework.

Main Issue

3. The main issue is the effect on the character and appearance of the appeal dwelling and that of the local area, with reference to the Chapel House Conservation Area (the CA).

Reasons

4. The appeal dwelling is a two storey end of terrace house with a hipped roof. It has a two storey rear outrigger as part of its original design, which is mirrored by the adjoining terraced house at 38 Chapel House Street (No.38). The terrace of which it forms part is made up of similarly scaled cottage style properties in London stock brick. This sits on a street and local area made up of similarly scaled terraced houses with a simple cottage appearance, which form part of a wider planned estate. The character and appearance of this part of the CA is defined, in the Chapel House Conservation Area Appraisal and Management Guidelines (2016), as being in the coherent townscape of closely spaced house in a 'Garden City' style of residential development of houses of

modest character and simple detailing. As such, the appeal property contributes to the significance of the CA.

5. The Conservation Area is a heritage asset to which I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. I must pay special attention to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
6. I note that planning permission has been previously granted for a single storey side and rear extension¹, which has not been implemented. The ground floor extension that forms part of the appeal proposal is similar to the ground floor extension for which planning permission was granted. I further note that planning permission has been refused for a previous proposal for a two storey side extension and part one/part two rear extension and first floor rear extension².
7. The first floor element of the proposed extension would align with the original flank wall of the main house and would extend rearward by approximately 3.0 metres, aligning with the rear of the ground floor part of the proposed extension. To the side facing No.38, the first floor element of the proposed extension would be set in from the boundary between the two.
8. The scale of the proposed extension would result in the existing rear elevation and form of the appeal dwelling, including the existing outrigger, being substantially subsumed by the proposed extension at both ground and first floor levels. The angles of the roof of the first floor element of the proposed extension would match that of the existing hipped roof of the appeal dwelling. However, when combined with the scale of the proposal, this would result in the proposed first floor element having a crown roof form that would not reflect the existing roof form of the appeal dwelling or the terrace of which it forms part. This would result in the first floor element of the proposal appearing as a bulky and discordant addition to the appeal dwelling, which would not reflect the existing scale and character of the appeal dwelling and the terrace of which it forms part.
9. Whilst I appreciate that the appellant has sought to overcome the reasons for refusal for their previous proposal that included a substantial first floor element, I have considered the appeal proposal on its own individual merits, which is a main tenet of the planning system.
10. The appellant has made passing reference to the appearance of recently developed properties to the rear of the appeal dwelling and extensions in the local area, including to properties in the terrace of which the appeal dwelling forms part. However, these would also have been considered on their own individual merits.
11. For the reasons given above, I find that first floor element of the proposed extension would result in the proposal as a whole appearing to be an overbearing and incongruous addition to the appeal dwelling, when viewed from both the rear and in street views. As a result, the proposal would cause harm to the character and appearance of the appeal property, the terrace of which it forms part and that of the local area. This would be contrary to policy S.DH1 of the Tower Hamlets Local Plan (2020) (the Local Plan), policy D3 of

¹ Planning Ref: PA/23/01127

² Planning Ref: PA/22/02020

the London Plan (2021) (the London Plan) and section 12 of the Framework, which collectively seek to ensure that developments are of a high standard of design and integrate with the local area.

12. I further find that the excessive scale of the proposed first floor element of the proposed extension and its concomitant effect of the proposed roof design would fail to preserve the character or appearance of the CA. The proposal would not, therefore, be in accordance with policy S.DH3 of the Local Plan and policy HC1 of the London Plan (2021) and section 16 of the Framework, which collectively seek to ensure that development has due regard to the importance of preserving or enhancing heritage assets and conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings.

Planning Balance and Conclusion

13. The harm to the character and appearance of the appeal dwelling and the terrace of which it forms part would be substantial, although the harm to the character and appearance of the CA would be less than substantial. Whilst the proposal would increase the size of the appeal dwelling and improve amenity for occupiers, this would be of primarily private benefit.
14. I must give considerable importance and weight to the effect on the significance of the CA, in addition, I have given substantial weight to the effects on the character and appearance of the appeal property and the terrace of which it forms part. As there are no public benefits of the proposal that outweigh the harm I have identified, the proposal conflicts with the development plan as a whole, and with the heritage aims of the Framework.
15. For these reasons, I conclude that the appeal should be dismissed.

Victor Callister

INSPECTOR