



Appeal Decision

Site visit made on 16 April 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/E5900/W/23/3333012

Petley Hall, Rear of 52 Chilton Street, London E2 6DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Saddam Kurd against the decision of London Borough of Tower Hamlets.
 - The application Ref is PA/23/01503.
 - The development proposed is replacement of flat roof to rear section of the building with x3 roof lights, raise existing parapet wall to allow for new flat roof construction and x1 new lightwell to the ground floor.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.

Main Issue

3. The main issue is the effect of the proposal on heritage assets.

Reasons

4. The appeal site is a building located within the courtyard of perimeter development primarily in residential use. It is located to the rear of St Matthias Church House, 52 Chilton Street, and based on the evidence before me the appeal site and No 52 share a common history where the appeal site provided facilities including a hall which was accessed through No 52. However, the appeal site and No 52 are now in separate ownership.
5. Much of the main elevation of the appeal building facing into the courtyard has been rendered, although the original double pitched form of the roof is still apparent. The side elevations are primarily of brickwork, with one of the elevations painted. The elevation facing onto No 52 contains what appear to be original features, although given the close proximity to No 52 they are only readily apparent from within that property. The appeal building is in a state of disrepair, and it is apparent that the roof in particular requires remedial work.

6. The appeal site is located within the Brick Lane and Fournier Street Conservation Area (CA), and No 52 is identified as a Locally Listed Building in the CA Appraisal¹ which the Council wishes to protect.
7. No 52 is an attractive building which is an important part of the streetscape of Chilton Street, and includes a number of features of architectural interest. Many of these features are reflected on the appeal building including moulding around the windows, a decorative name panel and the double pitched form of the roof. The elevation of the appeal building facing No 52 also contains architectural features including quatrefoils and brickwork detailing following the pitched roof gables. Based on the evidence before me, both buildings were designed by the same architect and are of a piece architecturally.
8. The evidence also indicates that both the appeal site and No 52 are of historical importance, where they provided facilities representative of the philanthropic aims of their original funder. This is reflected in the design and layout of the buildings.
9. The appeal proposal would remove the current double pitched roof and replace this with a flat roofed structure with parapet walls slightly lower than the ridges of the existing roof. This would remove the existing relationship between the pitched roof forms of the appeal site and the rear of No 52. This would also be likely to lead to harm to the decorative brickwork on the gables of the appeal site and the quatrefoil features. The result would be a generic box-like structure which would show minimal, if any, sympathy to No 52, with significant harm to the setting of this non-designated heritage asset.
10. As set out in the CA Appraisal, it is the quality of the architecture and the visual relationship between buildings that is paramount in the CA, illustrating its rich history and significant architecture. For the reasons given previously, the bland and clumsy appearance of the resultant building, the loss of architectural features as well as the impact on the setting of No 52, would fail to preserve or enhance the character or appearance of the CA. This would harm both the architectural and historic importance of the appeal site and No 52, and the contribution they make to the CA.
11. The appeal site is not readily visible from the public realm, but it is visible from a number of properties surrounding the private courtyard as well as from within the heritage asset of No 52. Although the modern buildings around the courtyard containing the appeal site are of a relatively understated character and include a number of flat roofs, the form of the extant appeal building is still apparent. The contextual relationship between the appeal proposal and more modern roof designs in the vicinity would do little to mitigate for the loss of the existing roof form. Even given my conclusion on the extent of visibility from the public realm, I consider that the harm to the importance of the CA would be of a moderate degree.
12. The appeal site is in a state of disrepair and it is clear that significant remedial work is required, particularly to the roof. The proposal would have the benefit of making the building watertight and ensuring its long term survival. However, these benefits could be achieved through works which are more sympathetic to the building's architectural and historic character. The appellant also sets out that the appeal proposal would be of a temporary nature prior to progressing

¹ Character Appraisal and Management Guidelines

further proposals for the site. That said, I cannot be certain that future development proposals would respect the historic and architectural character of the building. These considerations therefore carry no more than limited weight as public benefits in favour of the appeal.

13. Drawing the above together, the proposal would lead to moderate harm to the character and appearance of the CA, and significant harm to the setting of the Locally Listed Building of No 52.
14. Whilst the harm to the CA would be less than substantial, I attach great weight to the conservation of this designated heritage asset in accordance with the National Planning Policy Framework (the Framework). The proposal would also lead to significant harm to the setting of the non-designated heritage asset of No 52. There are no public or other benefits that would outweigh the identified harm to these heritage assets.
15. The proposal would therefore be contrary to the design and heritage requirements of Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2020. The proposal would also be contrary to the Framework with regards to conserving and enhancing the historic environment.

Other Matters

16. Comments from interested parties refer to the effect of the proposal on the outlook and light of nearby properties, in particular No 52. Had I been minded to allow this appeal then I would have considered these matters further.

Conclusion

17. For the reasons given above the appeal should be dismissed.

David Cross

INSPECTOR