



Appeal Decision

Site visit made on 20 May 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17th June 2024

Appeal Ref: APP/E5900/W/23/3333520

Armsby House, Stepney Way, Tower Hamlets, London E1 3BQ

- 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 James Gold (1-24 Armsby House Freehold Limited) against the decision of the Council of the London Borough of Tower Hamlets.
- The application Ref PA/23/00197, dated 24 January 2023, was refused by notice dated 9 October 2023
- The development proposed is the addition of two storeys above existing four storey building to provide 9 new residential apartments. Associated works to allow for lift access; stairwell extension; refuse storage and bike parking.

Decision

1. The appeal is dismissed.

Preliminary Matters

1. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by my taking this approach.
2. The appellant has provided updated documents with the appeal, including a Daylight and Sunlight Report and plans detailing amends to the cycle parking. As part of the appeal the Council has had the opportunity to comment on these, and I am satisfied that the updates to the plans represent minor adjustments to the scheme that do not affect the substance of the proposal. As such, parties are not prejudiced by my taking these documents into account.

Main Issues

3. The main issues are the effect of the proposed development on: the character and appearance of the host building and area; the living conditions of occupiers of Armsby House with regard to light, outlook, access and safety; and cycle parking.

Reasons

Character and appearance

4. The appeal site is a four-storey building, made up of three joined blocks of 8 residential units in a stepped placement. It forms part of a group of apartment buildings between Lindley Street to the north and Stepney Way to the south.

The appeal property has a pleasing and coherent design, with consistency in external materials and placement of fenestration and balconies.

5. The wider surrounds contain a range of development heights, with 4-7 storey buildings among the immediate group of apartment blocks, and at the east and west junctions of Stepney Way with Jubilee Street and Sidney Street. However, the scale of development along this immediate section of Stepney Way itself, onto which the appeal property backs, is notably smaller, largely comprising 3-4 storey buildings. This lends a consistency to the street despite the various building designs, and allows for a visual break in the surrounding, towering built form. Overall, the appeal property, with its coherent design and 4 storey height along Stepney Way, contributes positively to the surrounds.
6. The proposal would introduce additional height to the appeal property in the form of two upper storeys, with the fifth floor in matching brickwork to the remainder of the building and the uppermost floor having a metal finish and set-in to allow for terrace spaces with glass balustrades. The existing stair core would be extended up and a lift would be added to the central staircase.
7. The proposal would result in a significant addition of built form at the property, increasing its bulk and mass. While similar height buildings are present in the wider surrounds, the proposal would result in the property being significantly higher than those along this immediate section of Stepney Way, failing to integrate with or visually relate to the predominant 3-4 storey form of development in this position. Although it would be set back from the street with areas of green space, it would be of a greater scale than is common on this section of Stepney Way, reading as visually disruptive and failing to assimilate comfortably into the immediate surrounding built environment.
8. The precise design of the proposal would also result in an overall disjointed appearance to the appeal property. While the appellant has sought to avoid repeating the current design and to introduce modern elements, the proposed materials nevertheless disrupt the current coherence in the appearance of the property, a notable and defining element of the building. In particular, even acknowledging the banding line separating the additional floors from those below, the mismatched fenestration placement of the proposal would appear awkward and out of place, both when viewed directly and at an angle.
9. While balconies are currently present on the second to fourth floors of the building, they have a consistency in materials and placement on the facades. By contrast, the introduction of the single, off-centre fifth storey balcony as proposed would be a jarring and incongruous feature due to its placement and glass balustrades. Similar balustrades and privacy screens proposed on the top floor would not assist in assimilating this balcony. Rather, even with their upper-level position and glass design, the prevalence of these would create a cluttered and overtly modern upper floor appearance that would fail to successfully respond to or co-exist with the design of the floors below.
10. For the reasons given, the proposal would result in significant adverse harm to the character and appearance of the host building and area. As such, it would fail to comply with Policies S.DH1 and D.DH2 of the Tower Hamlets Local Plan 2031 (the Local Plan) and Policy D4 of the London Plan 2021 insofar as they seek to ensure high quality design that positively responds to its context.

Living conditions

11. Concerns have been raised by the Council that, due to its placement, the proposed lift core would have detrimental impacts on the outlook experienced by residents of existing flats on the northern elevation of the central block of the appeal property. While the current outlook to the north would remain, the built form of this lift block would be clearly visible to residents of these flats when looking towards it, restricting the outlook in this direction.
12. The flats immediately to the east of the lift core have a somewhat open eastern outlook, given the stepped back nature of the adjoining block of the property. Accordingly, even with the lift core, an acceptable outlook would be experienced from these locations. However, the flats immediately to the west of the lift core experience a limited outlook towards a flank wall. The addition of the lift core, and its restriction of the outlook towards the east, would further limit the outlook experienced from these flats. It would create a tunnelling effect that, despite retained views to the north and the dual aspect nature of the rooms, would feel oppressive. Even as kitchens and bedrooms these spaces would feel unduly enclosed, limiting their enjoyment.
13. The lift core would be in front of the north entrance to the central block of the property, partially concealing these doors. However, due to its setback from the front elevation, there is nothing substantive to suggest that this entrance would not remain accessible to residents, including those with prams, wheelchairs, or mobility issues. Further, it would not impact the overall legibility of the building to such a degree as to have a negative effect on the living conditions of these residents. In addition, the space between the lift core and the front entrance, while hidden from the north, would be clearly visible from other areas, including immediately adjoining amenity spaces and paths. This would retain natural surveillance, ensuring no undue safety risk.
14. The Council also raised concerns regarding the impact of the lift core on light levels of the nearest windows of the property and on the amenity space. The updated Daylight and Sunlight report assesses these spaces. With regard to habitable rooms, it finds that of the 14 windows assessed, 7 would meet the BRE guidelines with regard to Vertical Sky Component, with 2 being noted as marginal and the other 5 falling beneath the guidelines. However, the report notes that at these 5 windows, 66-73% of the existing light to rooms would be retained, and all rooms would meet BRE guidance for daylight distribution.
15. With regard to amenity space, the Daylight and Sunlight report finds that the area of external amenity space immediately to the north of the appeal property would fall short of BRE guidance. However, when taken together with all other communal amenity space provided, the report finds that it finds the effect on the communal amenity space as a whole would be acceptable.
16. Overall, the report concludes that the proposal accords with the relevant planning guidance relating to light. In the absence of substantive, technical evidence to the contrary, I attach great weight to the findings of the Daylight and Sunlight Report and, taking account of the urban nature of the site and the surrounds and my observations, I find the proposal would not harm the living conditions of occupiers of Armsby House with regard to light.
17. For the reasons given, I have found that the proposal would not result in significant harm to the living conditions of occupiers of Armsby House with

regard to light, access, or safety but would result in significant harm to the living conditions of occupiers of Armsby House with regard to outlook. As such, it would fail to comply with Policies D.DH2 and D.DH8 of the Local Plan insofar as they seek to ensure that development protects the amenity of buildings and their occupants, particularly with regard to avoiding an unacceptable increase in the sense of enclosure.

Cycle parking

18. The proposal would provide 40 cycle parking storage spaces in four areas across the site. The Council has not objected to the level of provision itself, but rather the impact this would have on amenity space. However, its location throughout the site at the edges of external space, rather than in one large storage area, ensures minimum disruption to the amenity space at the property. Furthermore, the updated plan demonstrates that only one of the cycle storage areas would require additional hardstanding for access, the level of which would be modest. As such, I do not find that the cycle parking would impact the overall availability and useability of amenity space.
19. Following updates to the plans, the appellant has also addressed the Council's concerns relating to the obstruction of windows on the western elevation by cycle storage. The storage has been relocated to ensure no such impact. Furthermore, while much of the cycle parking would not be visible from Stepney Way, it would remain highly visible from surrounding properties and amenity space, ensuring adequate surveillance such that the spaces would be safe and secure. Details on the proposed stands have also now been provided, the final design of which could have formed part of a pre-commencement condition had the proposal been acceptable in all other aspects. Overall, on the information before me, I find the proposed cycle parking to be adequate.
20. For the reasons given above, the proposal would make adequate provision of cycle parking. As such, it would comply with Policy D.TR3 of the Local Plan insofar as it seeks to ensure that development gives priority to cycle parking. While the Council also refers to Policy D.TR1 of the Local Plan, this was not provided either with the appeal or upon request. In any event, it appears that such a policy does not exist within the Local Plan.

Other Matters

21. The appellant refers to permitted development rights relating to the construction of additional storeys, which it asserts demonstrate that the Government is in favour of schemes such as the proposal. However, this right is not automatic, and is subject to a prior approval application considering a number of criteria. Indeed, I note a prior approval application at the site was refused due to its proximity to a hospital helipad. While the appellant contends this is a 'technicality', it remains that I have nothing substantive to demonstrate that any such prior approval application would be more than a theoretical possibility at the site, and attach limited weight to the existence of such rights in this instance.
22. The appellant also refers to various schemes within the immediate and wider area that it contends support the design and scale of the proposal. However, each application is decided on its own merits, and reference to development elsewhere carries little weight. As outlined above, I have assessed the

proposal on its site-specific circumstances and, even acknowledging the wider context, find that it would cause visual harm to the immediate area.

23. The proposal would provide additional housing in an established residential location, adding to the housing mix and choice of the area, maximising the potential of the site. This is a benefit of the proposal. However, given the modest addition of 9 residential units, this carries only limited weight which, even when taken together with the other matters outlined, would not outweigh the harm identified above.

Conclusion

24. For the reasons given, the proposal would not accord with the development plan when taken as a whole. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. I therefore conclude that the appeal should be dismissed.

C Rafferty

INSPECTOR