



Appeal Decision

Site visit made on 7 May 2024

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 June 2024

Appeal Ref: APP/E5900/W/23/3331995

9 William Place, Bow, London E3 5ES

- 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 Lawrence Tang (Spheron Architects) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/00830.
 - The development proposed is roof extension of an existing 3-storey mixed-use building to create a new floor and provide 1 additional residential unit.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the:
 - whether the proposal would provide appropriate facilities for bin storage;
 - whether the proposal would provide appropriate facilities for cycle parking; and
 - whether the proposal provides adequate living conditions for future occupiers, with respect to the outlook and daylight.

Reasons

Bin Storage

3. The other 4 existing units within the appeal building are, like the appeal unit, 2 bed. Whilst the appellant refers to BS:5906:2005 - Waste Management in Buildings, Appendix 4 of the of the Tower Hamlets Local Plan 2031 (2020) (LP) sets out that a suggested capacity for a two bedroom unit is 120L for refuse and 90L for dry recyclables, a total of 210L. LP Policy D.MW3 explains that this capacity is required as the Borough is working towards the London Plan targets of recycling/composting.
4. The appellant sets out that the existing waste facilities for the building, located in a bin storage area accessed off William Place, could provide a total capacity of 960L (4 x 240L), however this is disputed by third parties.
5. Even if there is sufficient capacity to accommodate the existing units, the additional unit would result in a total need, based on the above development plan requirements, of 1050L.

6. Even based on the appellant's figures, there is therefore a shortfall. Given the constrained nature of the existing bin storage area, a condition requiring further details would not be appropriate.
7. I therefore find that the proposal would not provide appropriate facilities for bin storage. The proposal is therefore contrary to the sustainable waste collection goals of LP Policy D.MW3.

Cycle Parking

8. The existing access corridor to the residential units runs past the ground floor commercial space and is limited in space. It is evident that the existing units do not have any cycle storage, and I observed a bicycle kept in this access corridor, which appeared to restrict access.
9. The proposed wall mounted racks would also be located within this corridor. The appellant considers that this provides the 'least intervention to the existing internal space'. Whilst introducing formal cycle spaces where there was previously none, the width of the bicycles, even when wall hung, would compromise the already narrow space and prevent easy access. Given the limited space, there would be conflict between users of the access at this point, and any occupants or visitors carrying bags would find passing the bicycles difficult for example.
10. The proposal would not therefore provide appropriate facilities for cycle parking. This would be contrary to LP Policy D.TR3 and London Plan Policy T5, which seek to provide appropriate and well-located cycle parking and to increase access to cycling in the borough.

Living Conditions

11. The appeal site is formed of a three storey mixed use site with commercial uses to the ground floor and residential above, located within a busy urban area and surrounded by development of generally 2 to 3 storey in height.
12. The attached neighbouring building at No 11 William Place is approximately the same height as the existing appeal site. Given the location of the proposed unit, rather than looking into any light well, its height would mean that side windows facing east are located at a higher level than this neighbouring building. As such, the two bedroom windows facing this side would have a relatively open aspect and views over the top of the attached buildings in this direction. As such, there would not be any sense of enclosure to these habitable rooms.
13. The submitted Daylight and Sunlight report¹ focuses on the effect of the development upon neighbouring units and does not consider the light levels for the proposed unit. However, given the height and orientation of these two bedroom windows, and the large street front (William Place) facing fenestration and balcony serving the living/kitchen area, I am satisfied that the habitable rooms would be provided with adequate levels of sunlight and daylight, in addition to outlook.
14. As such, I find that the proposal would provide adequate living conditions for the intended future occupiers of the scheme. I therefore find that there is no

¹ By Waterslade, April 2023

conflict with LP Policy D.DH8, which requires that habitable rooms in new development have an acceptable outlook and adequate levels of daylight and sunlight.

Other Considerations

15. The site is located within the Roman Road Market Conservation Area (CA). The Roman Road Market Conservation Area document (2009) sets out that its significance derives from its rich history and significant architecture, dating from the 19th century and earlier.
16. William Place is made up of 1-4 storey buildings of varying age, architectural design and finishes, and the additional proposed storey at the appeal site, set back from the road frontage, would sit comfortably within this mixed context. A condition controlling the external materials could be imposed to ensure they are appropriate for the surroundings. Whilst larger scale plans are not provided, I am satisfied that there is sufficient information submitted to enable a full understanding and assessment of the proposal and context. Even if briefly visible from oblique views along Roman Road, the development would therefore preserve the character and appearance of the CA, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990. It is noteworthy that the Council found similarly in this regard.
17. The proposal would result in an additional unit of accommodation which would contribute to the Government's broader objective of significantly boosting the supply of homes, in a location with good access to services and facilities, as supported by the National Planning Policy Framework (the Framework). I also acknowledge that the development would make efficient use of the site as supported by the Framework.
18. The proposal would result in a short-term economic benefits arising from the construction process. Economic and social benefits are also likely to arise from the occupation of the new unit. However, given the quantum of development in this case, I give this matter limited weight in favour of the scheme.

Conclusion

19. The identified harm means the proposal would not accord with the development plan policies when read as a whole. The benefits and other considerations are of insufficient weight to justify granting planning permission contrary to the development plan. As such, I conclude that the appeal is dismissed.

B Phillips

INSPECTOR