



Appeal Decision

Site visit made on 10 September 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 25 November 2024

Appeal Ref: APP/E5900/W/24/3341643

Tria Apartments, 49 Durant Street, Tower Hamlets, London E2 7DT

- 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 Edgware Group against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/22/01389
 - The development proposed is a single storey upwards extension to provide an additional four residential units.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (the Framework) and other changes to the planning system. Whilst a direction of travel has been outlined within the Written Ministerial Statement (WMS), which is a material consideration, the proposed changes to the Framework can only be given limited weight at this stage, given that no final document has been published. The main parties have been provided with an opportunity to comment on these documents and their responses have been taken into account, where received.

Main Issues

3. The Council's decision notice included a reason for refusal relating to fire safety. However, the Council's appeal evidence states that this reason is not upheld and I have proceeded on this basis.
4. The main issues are therefore: whether the proposal development would make adequate provision for refuse and recycling storage; and the effect of the proposed development on the character and appearance of the area, including on the setting of a conservation area.

Reasons

Refuse and recycling

5. The appeal site is an apartment block on Durant Street, which stretches to the junctions of Gosset Street to the south, defined by sizeable apartment blocks, and Wellington Row to the north, where it adjoins the Jesus Hospital Estate Conservation Area (CA) boundary. The proposal seeks planning permission for an upwards extension to provide an additional four units.

6. The Waste Strategy that accompanied the planning application outlined that 5 x 1280 litre general bins and 4 x 1280 litre recycling bins would be provided. However, later submitted plans showed 6 x 1100 litre general bins and 5 x 1280 litre recycling bins would be laid out side-by-side across two bin stores. In its statement of case the Council acknowledges that the provision outlined in the submitted plans would provide a total waste storage capacity for the existing and proposed residential units in excess of policy requirements, but questions the capacity of the storage rooms to accommodate this.
7. I observed the current waste storage rooms during my visit. The first provided 4 bins and the second provided 8. These were arranged end-to-end rather than side-by-side in a manner that would allow access to the wide edge. There was evidence of waste overspill in the stores and, while the second room had some space for manoeuvring or to potentially accommodate limited additional bins, this was not the case in the first. This room had little remaining space, such that it is unlikely that additional bins could be provided or that the current bins could be easily manoeuvred within the store. While I cannot be certain of the precise dimensions of the current bins within the stores compared to those proposed, and even if I were to assume that the overspill were to be collected, overall I observed these rooms to be of limited dimensions to accommodate additional waste storage capacity.
8. The appellant has stated that the bin stores would provide space to house the proposed provision, and that this has been outlined following a full measured survey of the space. However, even noting the dimensions of the bins provided in the Waste Management Strategy, nothing substantive has been submitted to conclusively demonstrate that this is the case. In addition, submitted plans do not differentiate between the 1280 litre and 1100 litre bins, such that it is unclear precisely how the different sized bins would be housed and accommodated within the space.
9. The Council has referred to the Reuse, Recycling and Waste Supplementary Planning Document 2021 (the SPD). This is clear that bin store size and layout must allow for reorganisation of bins, and storage of Eurobins side-by-side to allow for access to the wide front edge. Despite the depiction on the submitted plans, it is unclear whether the store rooms would be of a sufficient scale to allow the proposed storage to align with these elements of the SPD. Combined with my observations of the store rooms, overall I cannot be certain that the proposal would make adequate provision for refuse and recycling storage.
10. Given the level of uncertainty in this regard I do not find that this could be adequately addressed by way of planning condition in this case. Based on my observations I cannot be certain that provision of refuse and recycling space would be achievable in the store rooms, even if I were to attach such a condition, and no other options for bin storage within the site have been put to me. While such conditions have been used in other instances, I have limited information on the precise details of such schemes before me.
11. Concerns have been raised by current residents at the site regarding the management of the refuse and recycling storage at present. The Council further points to numerous incidences of special requests made in relation to waste collection at the site, and incidences of missed collection. Notwithstanding my findings above, had the proposal been acceptable in all other aspects, including certainty that the proposed volume of refuse and

recycling storage could be accommodated at the site, I find that concerns regarding the management and servicing of those refuse and recycling stores could then have been addressed by an appropriately worded condition.

12. For the reasons given, I cannot be certain on the information provided that the proposal would make adequate provision for refuse and recycling storage. As such, it would fail to comply with Policies S.DH1 and D.MW3 of the Local Plan, Policies D6 and SI7 of the London Plan and the SPD insofar as they seek to ensure development is well-designed with adequate storage space to separate and store recyclables and residual waste for collection.

Character and appearance; Conservation Area.

13. The proposal would result in an additional storey at the appeal property, located on the southernmost section of the building and raising the height of this part to 7 storeys. It would split the current roof amenity space across two levels, with staircases between each, and introduce plant structures and a lift core on the uppermost level.
14. However, constructed on the southernmost part of the property the proposal would be experienced primarily in the context of the apartment blocks to the south, particularly the 11 storey Yates House opposite. As such, it would not appear incongruous or visually jarring, nor would the site read as overdeveloped. The proposal would be further assimilated at the appeal building due to the grey cladding to match the upper floors on the northern side. Combined with its set back from the building edge and the articulation due to recessed terraces, this would further reduce the overall visual impact of the proposal so that it would not appear unduly overbearing.
15. Although the lift core and plant would create additional height, and the roof staircases would add further features, due to their central location and overall modest dimensions, they would not read as prominent in the streetscape. I note the proposal would be focused on one side of the appeal property. However, rather than reading as imbalanced, this would serve to reflect and extend the current stepped approach, retaining the two storey nature of the buildings on Wellington Row, adjacent to modest terraces of a similar height.
16. The immediate section of the CA includes the Warner Green publicly accessible open space and is largely defined by a regular pattern of two storey terraced dwellings, sited around a triangular plot of open land at Jesus Green. The appeal property is six storeys in height along Gosset Street, and steps down to two storeys at Wellington Row, integrating with the scales of the immediate surrounds. Concerns have been raised by both the Council and numerous interested parties regarding the potential impact of the proposal on the CA. The appeal site is not within the CA. However, the Framework is clear that any harm to, or loss of, the significance of a designated heritage asset from development within its setting, should require clear and convincing justification. The setting is defined as the surroundings in which a heritage asset is experienced. As such, the appeal site, and the proposal, is within the setting of the CA.
17. Due to the tight knit nature of development in the immediate area, views of the seventh floor addition proposed would be limited. Nevertheless, clear views of the proposal would remain from certain sections of the CA, particularly from Durant Street and the open space of Warner Green where the

additional height would be readily appreciable. More distant views would also be possible from Barnet Grove and Ion Square Gardens. However, it remains that while the CA itself is primarily defined by low level development, its setting is much more varied. This is especially the case to the south, where sizeable apartment blocks, particularly Yates House, are defining features.

18. The proposal would form part of this mixed setting and would be experienced largely in the context of the surrounding southern apartment blocks. Due to its separation, articulation, and set back, it would not unduly alter the current sense of openness at Warner Green, or at the more distant spaces of Ion Square Gardens and Jesus Green. In addition, it would retain the stepped down two-storey level of the northern side of the site, adjacent to the modest terraces on Wellington Row. As such, it would not alter the appreciation or understanding of these dwellings or the immediate section of the CA. Overall, the proposal would therefore have a neutral impact on the setting of the CA and would not cause any harm to, or loss of, the significance of the CA.
19. I recognise that, during the original planning application for the appeal property, the current six storey height was deemed to be appropriate, and that applications for taller development at the site have been refused. However, each application is decided on its own merits, and on the information before me I find that the proposal would not result in visual harm.
20. For the reasons given, the proposal would not harm the character and appearance of the area, including the setting of the CA. It would comply with Policies S.DH1, SDH.3 of the Tower Hamlets Local Plan 2031 (the Local Plan) and Policies D3 and HC1 of the London Plan 2021 (the London Plan) insofar as they seek to ensure high quality design that responds to its context; preserves heritage assets; and is sympathetic to assets' significance and appreciation in their surroundings. While reference was made in the decision notice to Policy D.DH1 of the Local Plan, it has been clarified that this was an error.

Other Matters

21. The proposal would provide additional residential units, contributing to housing choice and mix adjacent to an area of high accessibility to public transport services, and optimising the use of the site. This represents a benefit of the scheme. However, even when taken with the proposed Framework reforms and WMS, this would not outweigh the identified harm.
22. The Council has raised that the proposal should be accompanied by a planning obligation dealing with various issues. No such obligation has been submitted, but as I am dismissing for other reasons I have not explored this further.

Conclusion

23. 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