



Appeal Decision

Site visit made on 18 November 2024

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 December 2024

Appeal Ref: APP/E5900/W/24/3349354

Railway Arches, 242 Ratcliffe Lane, London E14 7JE

- 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 Layes Miah against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/00643.
 - The development proposed is installation of an extraction system and associated flue to the front of the arch.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area, including whether the proposal would preserve or enhance the significance of the York Square Conservation Area (CA).

Reasons

3. The appeal property comprises a railway arch on Ratcliffe Lane at the corner of Bekesbourne Street and directly opposite to an entrance to the Limehouse Station. The property is within the York Square CA and lies adjacent to the CA boundary which runs along Ratcliffe Lane up to the junction with Branch Road (A101). The railway arch subject of this appeal is not listed, but there are nearby railway arches within a viaduct beyond the A101 that are listed buildings due to their architectural and historic interest.
4. The York Square CA covers a large area with the majority to the north of the railway arches and Commercial Road (A13). The southern section includes part of Limehouse Station and its hinterland including the northern side of Ratcliffe Lane where the appeal property is located, Butcher Row and part of the Rotherhithe Tunnel to the south. Based on the evidence before me and my own observations, the significance of the CA is mainly derived from the quality of historic buildings, the pattern of development, architectural features, use of materials and its associations with notable people and institutions.
5. The appeal property due to its location forms an important part of the entrance to the CA including how it is experienced, particularly for those exiting Limehouse Station towards Commercial Road and Butcher Row. At the time of my visit, the character and appearance of the appeal property at ground floor level had been significantly eroded by the addition of palisade fencing, together with a proliferation of signage and commercial paraphernalia

associated with the existing retail use. This has resulted in visual clutter that detracts from the character and appearance of the area. In contrast, the architectural style of the keystone railway arch and associated visual interest of brick walls, piers and parapet above ground floor level remain essentially unaltered except for the unsympathetic alignment of a drainpipe. The railway arch is of lesser quality in terms of materials and architectural detail than the listed viaduct to the east. Nonetheless, irrespective of the existing visually detracting features mostly at ground floor level, the railway arch continues to contribute to the significance of the CA by virtue of its historic importance to the development of the locality following the introduction of the railway.

6. The installation of the proposed extraction system would involve the addition of an external flue to the front of the railway arch. The proposed flue would be mounted vertically on the keystone arch. In the location proposed, its scale, form and materials would give it a stark, discordant and intrusive appearance when viewed against the keystone arch and brickwork above. It would be highly visible from public vantage points when approaching on Ratcliffe Lane, Bekesbourne Street and when exiting Limehouse Station. From those viewpoints the flue would appear bulky, overly prominent and visually jar with the architectural detail of the railway arch above ground floor level. The harmful visual effect would not be mitigated by painting the flue in a dark colour. In reaching that view, I observed that the existing drainpipe is still an intrusive feature relative to the textures and colours of the brickwork despite being painted black and having a slimmer profile than the proposed flue. Moreover, the presence of the drainpipe and the proliferation of commercial paraphernalia at ground floor level is not justification to further erode the character and appearance of the railway arch through the harm that would arise from the proposal.
7. In reaching the above findings, I noted that larger external flues are an established feature of modern buildings located on the opposite side of Ratcliffe Lane. However, those buildings are of a different character to the railway arch and lie outside of the CA. Consequently, the presence of those features does not replicate nor justify the harm that would result from the proposal on the character, appearance and significance of the CA.
8. The appeal property, as previously mentioned, lies relatively close to the listed railway arches in the viaduct further to the east. However, the visual relationship of and intervisibility between the appeal property and those listed buildings are restricted by the presence of the intervening Limehouse Station. It follows that, notwithstanding the harm to the CA that I have identified, the setting of those listed buildings would not be adversely affected.
9. As the site is in a CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) indicates that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
10. The proposal would result in harm, rather than the high-quality design and preservation or enhancement of the historic environment desired by Policies

S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 (LP), adopted January 2020, and Policies D4 and HC1 of the London Plan, adopted March 2021. The harm caused would be significant in terms of the effect upon the character and appearance of the railway arch identified as 242 Ratcliffe Lane and its immediate surroundings. However, the harm would be localised to limited public viewpoints and therefore, would be less than substantial to the significance of the CA as a whole. In such circumstances, Policy S.DH3 of the LP and the Framework require that the less than substantial harm be weighed against the public benefits.

11. The public benefits in this case relate to the association of the proposed extraction system and flue with a potential subdivision of the property and partial use as a restaurant, with related contributions towards economic activity and employment generation. However, there is no substantive evidence to demonstrate that there are no alternative means of controlling odour from the premises in a manner that would be less harmful to the CA. Furthermore, whilst the changes to the entrance to the railway arch to facilitate a restaurant use could have potential benefits of reducing the existing visual clutter at ground floor level, in the absence of specific details of the treatment and finish of the proposed shopfront and facade within the arch I can attribute little weight to any potential public benefits in that respect. It follows that the public benefits do not outweigh the great weight to be given to the less than substantial harm that I have identified.
12. I conclude that the development would harm the character and appearance of the area and consequently would fail to preserve or enhance the significance of the York Square CA. The proposal conflicts with Policies S.DH1 and S.DH3 of the LP and Policies D4 and HC1 of the London Plan in those respects.

Conclusion

13. I have considered the public benefits of the development in assessing the proposal against the main issue. The public benefits identified would not be sufficient to outweigh the harm to the character and appearance of the area, including the less than substantial harm to the significance of the York Square CA. The proposal, thereby, conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it.
14. For the reasons given above the appeal should be dismissed.

Gareth Wildgoose

INSPECTOR