



Appeal Decision

Site visit made on 7 April 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 30 April 2025

Appeal Ref: APP/E5900/W/24/3353493

Flat 2, Robert Owen House, Baroness Road, London E2 7PN

- 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 Mrs Jashnahara Begum against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/00875.
 - The development is a single-storey rear conservatory extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw during my site visit that the development has been carried out and the conservatory has already been constructed at the appeal site. I have removed reference to the word 'retrospective' from the banner heading above since this is not a description of development.
3. The site is located in the Hackney Road Conservation Area (CA). There is a duty imposed by Section 72(1) of the Act requiring decision makers, in the exercise of planning functions, to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. A revised National Planning Policy Framework (the Framework) was published in December 2024. In this instance, the policies of the Framework most relevant to the appeal are unaffected by the revisions. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by this.

Main Issues

5. The main issues are:
 - whether the development preserves or enhances the character or appearance of the CA; and
 - the effect of the development on the living conditions of the neighbouring occupiers of Flat 1 with particular regard to privacy and outlook.

Reasons

Character and appearance

6. The CA designation encapsulates parts of Hackney Road and adjoining streets including those within the Dorset Estate. It is a mixed-use area containing examples of 19th Century terraces as well as post-war social housing development. From what I have seen and read, including the Hackney Road Conservation Character Appraisal, the significance of the CA is primarily derived from its surviving historic fabric as well as the functional and planned nature of more recent development. The CA's varied townscape including groups of buildings and their arrangement are important components that contribute to the significance and special interest of the CA as a whole.
7. Robert Owen House is a four-storey post-war estate block constructed as part of the wider Dorset estate to provide social housing. Its architects were pioneers of modernist design in Britain. It is characterised by its patterned concrete and brick façade, distinctive fenestration pattern and rectangular footprint. This is characteristic of other buildings located in the wider CA, including Arthur Wade House which sits parallel to and has a similar design to Robert Owen House. In this respect, Robert Owen House positively contributes to the character and appearance of the locality.
8. Flat 2 is a maisonette with rear garden located in an off-centre mid position in Robert Owen House. An existing close boarded fence runs alongside the side of the adjacent garden at Flat 1 and limits views of the conservatory from public vantage points. However, it is widely appreciable from private vantage points including from neighbouring gardens and windows.
9. The rear conservatory projects from the otherwise flush rear elevation within the wider block. This draws the eye and emphasises the use of white timber panelling as an alien material that contrasts unacceptably with the prevailing materials in the building. Moreover, the conservatory interrupts the pattern of fenestration and the horizontal lines within its walls are at odds with the modernist design, undermining the visual cohesion of the block. The development therefore fails to preserve or enhance the character or appearance of the CA as a whole.
10. It follows that the development fails to accord with the statutory presumption under s72(1) of the Act and there would be some harm to the significance of the CA as a designated heritage asset. Given the scale and nature of the proposal, the degree of harm to the significance of the CA would be less than substantial. Paragraph 215 of the Framework states that this harm should be weighed against the public benefits of the proposal.
11. Public benefits would derive from the enlargement of the dwelling within a sustainable location. It is also argued that the development represents an effective use of the land to meet the needs of the appellant, including the provision of private exercise space to assist with medical issues. However, there is little evidence to explain why there are no other solutions available, for example utilising an existing room within the dwelling. Given this and the fact that the proposal relates to the extension of a single dwelling, the public benefits would be limited.
12. The Framework indicates that great weight should be given to the conservation of a designated heritage asset. The public benefits of the proposal would not outweigh

the less than substantial harm identified, leading to conflict with the historic environment protection policies of the Framework.

13. I conclude that the development does not preserve or enhance the character or appearance of the CA. Conflict therefore arises with Policies D3 and HC1 of The London Plan (2021) (TLP) and S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 (2020) (LP) which require development to respect, enhance and utilise the heritage assets and architectural features that contribute towards the local character; to deliver high quality design; and to ensure development within a conservation area preserves those elements which contribute to their special character or appearance. Whilst the Council's decision also refers to Policy D4 of the TLP, I find no particular conflict with this policy which primarily sets out processes for delivering good design.

Living conditions

14. The ground floor rear elevation of Flat 1 contains a window and glazed door with main outlook across its own rear garden area, contained in part by existing boundary treatments. There is no separation gap between the side of the conservatory and Flat 1. The conservatory is therefore visible from these openings, albeit at oblique angles. Even so, the single storey scale and limited projection of the conservatory assist in ensuring that an acceptable level of outlook is maintained for the occupiers of Flat 1.
15. Neighbouring windows in the rear of Robert Owen House and other nearby residential blocks means that the level of privacy afforded to the occupiers of Flat 1, particularly within its rear garden, is already partly compromised. The side of the conservatory contains windows that face directly towards the rear garden area located immediately adjacent to its rear windows and door. Given the likely use of the conservatory for prolonged periods of time, views from the conservatory could result in an increased loss of privacy to the occupiers of Flat 1. However, this effect could be adequately mitigated through a condition requiring specific windows in the conservatory to be obscure glazed and non-opening below a certain height above floor level.
16. Subject to such a condition, I conclude that the development would not result in harm to the living conditions of the neighbouring occupiers of Flat 1 with particular regard to privacy and outlook. In this regard, the development would comply with Policy D.DH8 of the LP insofar as it requires development to avoid unreasonable levels of overlooking or an unacceptable increase in the sense of enclosure. Even so, this does not overcome the harm I have identified in relation to the first main issue.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. In coming to this decision, I've taken into account the argued need and related personal circumstances and dismissal of the appeal is a proportionate and necessary approach to the legitimate aim of conserving the historic environment. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR