
Appeal Decision

Hearing held on 19 May 2015

Site visit made on 19 May 2015

by L Gibbons BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 June 2015

Appeal Ref: APP/E5900/W/15/3003940
2-10 Cobb Street, Tower Hamlets, London E1 7LB

- 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 Mr Laurence Quail (Cobb Street LLP in Partnership with the Aitch Group) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/14/03348, dated 26 November 2014, was refused by notice dated 30 January 2015.
 - The development proposed is the demolition of the existing building and erection of a new building comprising 9no residential apartments and 2no commercial units, A1, A2, A3 & B1 use totalling 476m² (revised proposal following PA/14/005880).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Although the London Plan 2011 referred to in the decision notice has been superseded by the Further Alterations to the London Plan (FALP) 2015, the relevant policies remain unchanged.
3. The name of the appellant on the planning application form and the appeal form are different. At the Hearing it was confirmed that the correct name is the one set out on the planning application form. For the sake of clarity I have used the name as set out on the planning application form.

Background and Main Issue

4. Taking the above into account the main issue is whether the proposed development would preserve or enhance the character or appearance of the Wentworth Street Conservation Area (WSCA). In considering this issue, it is necessary to assess the contribution which the existing buildings make to the WSCA.

Reasons

5. The appeal site is located within the Wentworth Street Conservation Area. Paragraph 132 of the National Planning Policy Framework (the Framework) sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the assets conservation. The Framework defines significance as being archaeological, architectural, artistic or historic.

6. **The Council's Wentworth Street Conservation Area Appraisal and Management Guidelines (CAA) 2007**, define the character of the area as mixed including commercial and retail uses. The area has a close association with the clothing **industry or 'rag trade' which endures today and can be seen in the Petticoat Lane and Wentworth Street markets and shops selling cloth and fashion items.** The area has a very lively and busy character during the day. The WSCA lies on the edge of the City of London and there is a clear contrast in the height, age and design of the buildings on the boundary at Middlesex Street with the City.
7. The area in which the appeal site is located has a fairly regular grid pattern which creates small blocks of buildings reflecting the medieval origins of the area. Buildings within the WSCA vary in date, with some modern units, however a significant number date from the 19th Century. A number of the buildings in the area are two and three storeys high, although there are much taller buildings within the area, including converted warehouses and factories. The buildings vary in design details but most have some ornamentation.
8. Both parties agree that 2-10 Cobb Street is a non-designated heritage asset. The proposed demolition would result in the loss of the asset. Paragraph 135 of the Framework sets out that the effect on the significance of a non-designated heritage asset should be taken into account and a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
9. The appeal site is part of a **'U' shaped block of individual terraces on part of Leyden Street and Wentworth Street** which were all constructed at a similar time and share common design details. When 2-10 Cobb Street was erected they were built with residential accommodation above shops and restaurants. The buildings within all these terraces in the block are in varying states of repair, with some retaining more detail and features in their original form than others. I note that a few of the buildings on Leyden Street and Wentworth Street are in better condition, nevertheless those on 2-10 Cobb Street retain sufficient detailing to be able to see the clear comparisons with the others.
10. The Council refers to the details of 2-10 Cobb Street, such as glazed brick and **prominent 'corbels', amongst other features.** These add variety to the façade, although I accept that they are modest in detailed design and quality. The roofscape of the terrace has a number of features, including tall chimneys, raised party walls on the roof and fourth floor windows positioned above eaves height which are unusual within the WSCA. Only one of the stall risers survives and the shopfront windows and fascias are very modern in appearance. I accept that not all buildings within the WSCA will be of equal importance or of landmark quality. However, I consider that the buildings are not without architectural interest. Their design is consistent with other buildings within the WSCA and is representative of the narrow fronts and fine grain referred to in the CAA.
11. **In terms of the buildings' historical interest, both parties refer to the association with the 'tough' history of this part of East London.** I accept that the CAA does not make any specific reference to the tough history or the buildings within Cobb Street, other than to refer to it as having been a narrow yard, associated with the much earlier development of the area. Nonetheless,

other historical sources referred to by both parties do provide some indication of the origin of the buildings.

12. The buildings were constructed as part of a slum clearance and managed redevelopment in the very early 1900s. One source refers to the construction **of the buildings being 'mean'** and I understand that the architect of the buildings is not known. Nevertheless, the historical links associated with the buildings' construction and the development and growth of the area in Victorian times is clear.
13. Some of the internal features survive, including fire surrounds and some internal staircases. The appeal site has a planning history which includes planning permission which was granted in 2014, for part demolition of the existing building retaining the façade and flank walls and reconstruction of the chimneys and firewall detailing (the façade retention scheme). It includes the provision of 2 commercial units at ground floor and a new basement level and would have involved the removal of all internal features. In this respect I therefore consider that the loss of the internal features would not weigh against the proposal.
14. As part of the appeal proposal, a viability assessment assesses the façade retention scheme in particular and concludes that that scheme would not be viable. The Council refer to the viability assessment as using high build costs, that the falls in expected values from the sales of the residential accommodation were not correct and points to differences in expected profit levels and other matters. Whilst I note the alternative information provided by the Council, I was not provided with detailed evidence, particularly in relation to the build costs which would indicate that the façade retention scheme is viable as the Council suggests.
15. I accept that the refurbishment or conversion would be not easy to achieve in terms of internal arrangements and access as set out in the Design and Access Statement which accompanies the proposal, and that this would affect the numbers of units which could come forward. However, this does not demonstrate that refurbishment or conversion would not be viable. In addition, in terms of the Existing Use Value, the information provided by both parties indicates that there is a current value in the existing buildings. Although I accept that the façade retention scheme would not be viable on the basis of the evidence before me, I am not convinced that the appeal scheme is the only viable option for the appeal site.
16. **I note that the WSCA is considered to be 'Heritage at Risk' by Historic England**, with its condition being described as very bad, with a loss of architectural details, vacancies in buildings and a poor public realm referred to. However, from the information provided it is not clear what the implications of this would be for the appeal scheme as the vulnerability is also described as being low.
17. For the reasons given above, based on their architectural and historic interest I consider that 2-10 Cobb Street does make a positive contribution to the significance of the WSCA as a whole and the proposed development would therefore fail to preserve the character and appearance of the WSCA. It would be in conflict with Policies SP10 of the Tower Hamlets Core Strategy (CS) 2010, DM27 of the Managing Development Document (MDD) 2013 and 7.8 of the FALP, which amongst other things seek new development which protects and enhances **the Borough's heritage assets**. It would be contrary to the provisions

of the Framework in respect of protecting and enhancing the built and historic environment.

18. **I have considered the Council's argument that the current proposal would set a precedent for similar developments for the other terraces within the U-shaped block.** Whilst each application and appeal must be treated on its individual merits I can appreciate the Council's concern that approval of this proposal could be used in support of similar schemes. I consider this is not a generalised fear of precedent but a realistic and specific concern taking into account that the buildings within the other terraces are very similar and I note there have been proposals for demolition of buildings relating to 3-7 Leyden Street, albeit I acknowledge these were withdrawn.
19. Nevertheless, allowing this appeal would make it more difficult to resist further planning applications for similar developments and I consider their cumulative effect would exacerbate the harm I have described. In coming to this conclusion I note that some of the buildings within the other terraces have some upper floors in residential use above and continue to be in commercial use.

Other matters

20. The proposed replacement scheme would be taller than the existing buildings. Local residents have raised concerns in relation to the effect of the proposed development on daylight and sunlight. A Daylight and Sunlight Report was submitted with the planning application. This indicated that a small number of windows in properties on 3-7 Leyden Street and 84 Middlesex Street would be slightly below the BRE Guidelines for daylight and in the case of 7 Leyden Street, sunlight.
21. However, the proposals would meet the other elements of the Guidelines and the report indicates that the rooms would remain well lit in the context of the urban area in which the properties are located. The Council do not object to the proposed development in this respect and based on the evidence before me, I see no reason to disagree with this matter. However, this is not sufficient reason to justify the proposal before me.

Conclusion

22. The proposed demolition would lead to the loss of significance of a non-designated heritage asset. Taking into account the WSCA as a whole, including its overall size and its other features, it would lead to less than substantial harm to the significance of the designated heritage asset. The Framework requires that any such harm be assessed against any public benefits.
23. The proposed scheme includes the provision of modern residential accommodation and commercial accommodation and this would be a benefit of the scheme and would add to the vitality of the area and would make a contribution to the housing supply within the Borough. In terms of appearance, the design of the proposed scheme would incorporate piers and other features, including white lintels/sills on the front elevation that would represent vertical and horizontal elements found in the existing and neighbouring buildings. The replacement building would, in my opinion preserve the appearance of the WSCA. In addition, the proposed mix of uses

would be consistent with the mixed use character of the area and existing buildings so the character of the designated heritage asset would be preserved.

24. The appeal site is within a highly accessible location, with a wide range of public transport options, and services and facilities close by. However, this is a benefit of the site rather than the proposed development itself and applies equally to the existing buildings and uses. The proposed methods of construction, energy efficiency proposals and use of materials could in the widest sense be considered public benefits.
25. However, the evidence does not show that there are not viable alternatives that would include the retention of the building and its mix of uses. Many of the advantages of the appeal scheme may therefore be achieved through a less drastic intervention. In the circumstances I consider that even when taken together these public benefits would be modest and would not outweigh the harm I have found to the significance of the WSCA.
26. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

L Gibbons

INSPECTOR

APPEARANCES

FOR THE APPELLANT

Mr T Hill QC	Advocate
Mr L Quail	Appellant
Mr R Pomery	Pomery Planning
Mr E Vanderweghe	Stock Woolstencroft
Mr J Lowe	Heritage Collective
Ms V Simms	BNP Paribas
Mr N Cox	P H Warr plc
Mr M Bolton	Strettons

FOR THE LOCAL PLANNING AUTHORITY

Mr A Hussain	Planning Officer, Tower Hamlets Borough Council
Mr A Hargreaves	Design and Conservation Officer, Tower Hamlets Borough Council
Ms B Eite	Area Planning Officer, Tower Hamlets Borough Council
Mr L Pavlov	GVA

DOCUMENTS AND PLANS SUBMITTED AT THE HEARING

- 1 Design and Access Statement in full (A3) supplied by the Appellant
- 2 Bedford Borough Council v. Secretary of State for Communities and Local Government & Nuon UK Ltd [2013] EWHC 2847 supplied by the Appellant
- 3 Richmond-upon-Thames London Borough Council v. Secretary of State for the Environment, 1978 supplied by the Appellant
- 4 Cobb Street – Viability Assumption Comparison supplied by the Appellant
- 5 **Summary of Appellant’s Case**
- 6 Photographs of 2-10 Cobb Street, Leyden Street and Wentworth Street supplied by the Local Planning Authority
- 7 Extract from GLA Viability Toolkit Guidance Notes (January 2014) supplied by the Appellant
- 8 Revised Condition 6 supplied by the Local Planning Authority
- 9 **Appellant’s** List of Appearances