
Appeal Decision

Site visit made on 16 December 2014

by Michael Boniface MSc MRTPI

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

Decision date: 5 January 2015

Appeal Ref: APP/E5900/A/14/2227155

The Canopy, 145 Three Colt Street, London, E14 8AP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Charles Pear against the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/14/00524, is dated 20 February 2014.
 - The development proposed is the retention of the existing ground floor commercial space and 6 new dwellings (4 apartments and 2 townhouses).
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Decision

1. The appeal is dismissed and planning permission for the retention of the existing ground floor commercial space and 6 new dwellings (4 apartments and 2 townhouses) is refused.

Preliminary Matter

2. Although a formal decision was not issued by the Council, it raises concern regarding the proposed bulk, massing and materials in this prominent corner location, suggesting that the development would adversely affect the character of the building, the street scene and the conservation area. I have treated this as the decision that the Council would have made, had it been empowered to do so.

Main Issue

3. The main issues are whether the development would be 'car-free'; and whether the development would preserve or enhance the character or appearance of the Narrow Street Conservation Area.

Reasons

Whether the development would be 'car free'

4. Concerns are raised by interested parties that the development would result in parking pressures in the vicinity of the site and I noted that much of the area is subject to parking restrictions. Both the main parties agree that the development need not be reliant on private cars given the highly accessible location of the site and, therefore, that the development should be 'car free'. I agree with this position, particularly as the existing on site car park would be lost as a result of the development.

5. The appellant suggests that a Unilateral Undertaking would prevent the future occupants from seeking parking permits in the local area and this would be in accordance with Policy SP09(4) of the Core Strategy Development Plan Document (CS) (2010). However, no such Undertaking has been submitted and, therefore, no mechanism is available for ensuring a car free development.
6. The Council suggest a condition requiring arrangements be put in place, but this would suggest the need for a Unilateral Undertaking as it is not within the scope of a condition to prevent applications for parking permits. Planning Practice Guidance (PPG) makes it clear that it is rarely appropriate to require a legal undertaking by way of condition. I am not satisfied that such a condition would meet the tests prescribed by the PPG and in the absence of a formal undertaking, I cannot conclude that there is reasonable prospect of the development being maintained as a car free development. As such, the development would fail to avoid reliance on private cars in favour of more sustainable modes of travel and would be likely to result in unacceptable parking pressures in the local area in conflict with Policy SP09.

Character and appearance

7. The site comprises a two storey building on the corner of Three Colt Street and Milligan Street. It is brick built with prominent decorative parapets. The site is located in a mixed commercial and residential area where former commercial uses have declined, resulting in significant amounts of modern residential development. Modern architecture contributes significantly to the character of the area, particularly in the immediate vicinity of the site, despite the appeal property dating back to 1934. Much of the surrounding development involves relatively high density blocks of residential flats of significant height and scale, though smaller scale two storey development is also located nearby.
8. The Council accept that the site is located in an established residential area with good accessibility, achieving a Public Transport Accessibility Rating (PTAL) of 5 (very good). As such, it is an appropriate location for further residential development in principle.
9. The proposed development involves the addition of a third floor over the existing building, along with a projecting four storey element on the frontage with Three Colt Street and two town houses. The additions are purposefully modern in design, with crisp, simple elevations and the use of zinc cladding. This would provide a contrast with the more traditional design of the existing building, highlighting the extensions as modern additions and maintaining the integrity of the original structure.
10. The additions to the existing building would be set back from the frontage so as to allow retention of the existing decorative parapets, which are a strong design feature of the building. Consequently, the existing building would remain prominent in the street scene. Although the additions would be of significant height and mass, they would appear to emerge from behind the parapet walls which would provide some screening. This screening, combined with the recessed position and simple form and design of the extensions would ensure a subservient appearance which would not compete with the more ornate detailing of the existing building.
11. The four story element of the building and the town houses would be more prominent in appearance, abutting the back edge of the pavement. However,

these are again, uncompromisingly modern structures adjoining the existing building. They would again, provide a clear distinction between old and new, whilst maintaining an appropriate visual relationship through the use of matching brick work on sections of the lower floors.

12. The resulting scale of the development would be in keeping with that of surrounding buildings, and significantly smaller than some residential blocks in the area, which the Council note are up to 20 storeys high. Although two storey dwellings are located behind the development, the building stands in a prominent corner location where buildings on the opposite sides of the junction are of much taller scale. The resulting building would provide legibility and enclosure in the street scene that is appropriate to its urban location.
13. I conclude that the development would preserve the character or appearance of the Narrow Street Conservation Area. As such, I find no material conflict with the National Planning Policy Framework, particularly its objectives to secure high quality design and protect heritage assets; Policies 7.4 and 7.8 of the London Plan (2011) which have similar objectives; Policy SP10 of the CS, which seeks to preserve heritage assets, including conservation areas; or Policies DM24 and DM27 of the Managing Development Document (2013), which require high quality design which is sensitive to, and enhances, the character of the area, including heritage assets, with particular regard to scale, height, mass and bulk.

Other Matters

14. The site is located in an area with a high probability of flooding although flood defences do protect the area. A Flood Risk Assessment (Ref. 5207/2.3F) is provided in support of the application, proposing mitigation measures to minimise the risks to future occupants and property. However, no consultation has taken place with the Environment Agency and this would be necessary before planning permission could be granted. This is, however, not determinative given my conclusion with regard to the first main issue.
15. The existing building is located close to residential properties, particularly the small gardens associated with two storey properties on Milligan Street. However, the three and four storey extensions would be set away from the closest part of the existing building and this would be sufficient to avoid any harmful enclosure, overbearing impact or loss of light. There is some potential for overlooking from the proposed roof terraces but appropriate privacy screens could be secured by condition if planning permission were granted.

Conclusion

16. Although the development would not harm the character or appearance of the Narrow Street Conservation Area, it would fail to promote sustainable modes of transport, result in over reliance on private cars and contribute to parking pressures in the local area.
17. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

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