



Appeal Decision

Site visit made on 12 October 2011

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 26 October 2011

Appeal Ref: APP/E5900/A/11/2151962

Land adjacent to Bridge Wharf, Old Ford Road, London, E2 9PR

- 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 David Waller of Renaissance Investments against London Borough of Tower Hamlets Council.
 - The application Ref PA/10/02510 is dated 3 November 2010.
 - The development proposed is erection of 2 no. three-storey, four bed houses.
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Decision

1. The appeal is dismissed and planning permission is refused for the erection of 2 no. three-storey, four bed houses.

Main Issues

2. The Council has indicated the reasons for which it would have refused planning permission if an appeal had not already been lodged. I have used them as the basis for defining the main issues. I consider that these are whether the proposal would firstly, preserve or enhance the character and appearance of the Victoria Park and Regent's Canal Conservation Areas; and secondly, be detrimental to vehicle and pedestrian safety on Old Ford Road.

Reasons

3. The appeal site is a narrow piece of land on the outside of a bend as Old Ford Road rises to a bridge over the Regent's Canal. The north west boundary of the site is the back of the footway. The south east edge is formed by the bank of a small disused off-line dock on Regent's Canal. The proposal follows negotiations with Council officers after the withdrawal of a previous scheme that involved a greater amount of development.
 4. A building apparently occupied part of the site until its demolition in about 1992, but few details have been provided. The Council seems to accept the appellant's description of the site as being previously developed land. In so far as it now comprises rough grass and shrubs, it has the appearance of open land. A more detailed historic analysis by an interested party suggests that the site was formerly part of an open working area associated with the dock.
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First main issue – effect on character and appearance

5. The site is split lengthwise by the boundary between two conservation areas. The side adjoining the road is part of the Victoria Park Conservation Area [VPCA], originally designated in 1977. The side adjoining the water is part of the Regent's Canal Conservation Area [RCCA], designated in 2008. The bridge over the canal is shown as being part of the VPCA.
6. The site is screened from the road by a high brick wall. This would be removed to enable the houses to front onto the road. The wall is regarded by some objectors as being part of the historic street scene. It clearly pre-dates 20th century housing behind it, but I am not convinced that it has sufficient heritage value to warrant its retention. Nonetheless, any new development that requires its removal should make a positive contribution to the character and local distinctiveness of the historic environment. This principle is set out in policy HE7 of Planning Policy Statement 5 [PPS5], *Planning for the Historic Environment*.
7. The main feature in the VPCA is the park itself. This forms an open, verdant setting for the canal north of the bridge. Built development along Old Ford Road is very mixed. There is a 2 storey Victorian terrace to the west of the site, and a grander 3 storey terrace facing the Park to the east. What was formerly a 3 storey public house is directly opposite the site. Housing of an uncompromisingly 20th century origin forms the adjoining development, as seen from the west, and the back drop to the site as seen from the east. This takes the form of a curved, 3 & 4 storey brick building with a pitched roof (known as Bridge Wharf) with the multi-storey Velletri House behind. Both buildings are in the conservation area. There is thus a very challenging context for the design of any infill development on the appeal site.
8. The proposal is for the 2 houses to have a stepped format, each in effect comprising 3 rectangular components. They would be of brick construction with flat roofs. There would be a small gap between the buildings, which would otherwise occupy the entire width and most of the depth of the site. The Design and Access Statement with the application shows how this approach arises from the need to prevent loss of privacy in existing dwellings close by on either side. However, I consider that the design would be less successful in addressing the visual context of the site.
9. The proposal would introduce a new shape and form of building, close to but not directly aligned with the road. I consider that the new shapes would be in an uneasy relationship to the curved horizontal forms of Bridge Wharf and the more stark verticality of Velletri House. The prominent siting in the street scene would give rise to a rather cluttered mix of forms and finishes, particularly when seen from the east. I consider that this effect would be emphasised by reducing the crowns of the nearby mature willow trees. These at present materially soften the view of the larger scale buildings in the local street scene. They are also a marker of the green corridor of the canal that otherwise passes largely unnoticed under the bridge. The appearance of a small but important part of the conservation area would be changed to its detriment.

10. The houses would present a 3 storey elevation to the canal. Each house would have a very shallow back garden, bounded by a metal balustrade along the water's edge. These private spaces would thus appear to be quite open to the canal. This contrasts to the direct frontages that characterise private dwellings close to the canal north of the bridge (west side), and the enclosed curtilages along a nearby stretch of the Hertford Union Canal (now also in the RCCA). It is also different from the settings of the multi-storey buildings south of the site along the western side of the canal, which tend to be more open to the bank.
11. The character of Regent's Canal is clearly that of a waterway. Part of its historic interest and present attractiveness is its close relationship to spaces and buildings along the bank. The willow trees adjoining the site and trees on a detached part of the site on the far side of the disused dock are prominent parts of the vista when seen from the towpath on the opposite bank. They form an important landscape feature that is a precursor of the quieter length of the canal adjoining the Park north of the bridge. The trees would be retained. However, the crowns of the willows would need to be substantially reduced to make way for the nearest house, which would still be very close to the canopy.
12. The present openness of the site also presents a pleasant contrast to the rather bleak paved area between the brick façade of Bridge Wharf and the present untidy state of the dock. This openness would be replaced by a tight infill scheme with full height glazed windows and patio doors opening onto the small rear gardens of family-sized houses. The open character and quiet bosky nature of the northern side of the dock would be largely lost. This would be to the detriment of the attractiveness of this part of the conservation area.
13. I have found that the new houses would lack sensitivity to the surrounding built development in terms of their design and form. Although well-designed in themselves, I consider that they would not be appropriate to their context. A canal-side feature of public amenity value would be seriously compromised and to a large degree lost. Overall, I consider that the proposal would not make a positive contribution to the character and local distinctiveness of the historic environment. I conclude that the proposal would fail to preserve the character or appearance of both the Victoria Park and the Regent's Canal Conservation Areas. This outcome would be contrary to the provisions of saved policies DEV1 & OS7 in the London Borough of Tower Hamlets Unitary Development Plan (1998); policies SP02 & SP10 on the London Borough of Tower Hamlets Core Strategy (2010); and the purposes of national policy in PPS5.

Second main issue – effect on vehicle and pedestrian safety

14. The Council is concerned that the presence of 2 houses opening onto the footway would give rise to safety issues. The presence of bollards along the out edge of the footway and of guard rails on the bridge certainly suggest that pedestrian safety needs to be safeguarded along this quite busy piece of road.
15. However, I am not persuaded that the presence of just 2 houses would make a material difference. The front doors would be set back some distance from the footway, and separated from it by a zone of hard paving. The width of the pavement would not be affected. The number of pedestrians using it would be only minimally increased. The main parties agree that parking for the residents can be accommodated nearby on-street without harm to highway safety.

16. I find that the proposal would not compromise the safe movement of pedestrians along the footway or of vehicles on the road. I conclude that the proposal would not be materially detrimental to vehicle and pedestrian safety on Old Ford Road. There would be no conflict with the purposes of Core Strategy policies SO20, SO21 & SP09.

Other considerations

17. A number of nearby residents have objected on the grounds of harm to their living conditions. By and large, I consider that their privacy would be safeguarded from overlooking by the stepped building plan. This would ensure that main windows in the new houses would not look directly towards properties in Bridge Wharf or the former public house.
18. Residents of flats in the latter also object on the grounds of loss of outlook and light. Views towards the site would be radically altered. However, I consider that the separation distance across Old Ford Road, the relatively low height of the new houses and the quality of their design would prevent a materially harmful outcome. There would be some overshadowing of lower floor windows across the road. However, as these are north west of the appeal site, I consider that the effect would be for a relatively short morning period as the sun is rising in the sky. There would be no effect on the outdoor terrace adjoining the canal. This is north east of the flats, behind and below the building, and screened from the road by a high wall and gate. I find that neighbours' concerns over impacts on their living conditions would not warrant the refusal of planning permission.
19. The appellant has argued that there is a need for more sustainably located family dwellings in the Borough. The Council contend that this need is in the social rented rather than the private sector. Either way, I consider that the small contribution to housing need would not outweigh the significant shortcomings that I have identified in relation to the first main issue.
20. I conclude that these considerations would neither materially add weight to the harm that I have identified with the respect to the first main issue (in terms of neighbours' living conditions); nor weigh significantly in favour of the proposal (in terms of housing need).

Overall conclusion

21. I conclude that the proposal would cause material harm to significant conservation interests that are protected by both the policy context I have cited and the statutory duty. This duty is to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation areas. This harm would not be outweighed or mitigated by the lack of material harm with respect to highway safety.
22. Planning permission should therefore be withheld, and I dismiss the appeal.

G Garnham

INSPECTOR