

Cabinet 26 July 2016	
Report of: Aman Dalvi, Corporate Director, Development and Renewal	Classification: Unrestricted
Addendums to Character Appraisals and Management Plans for six conservation areas- Chapel House, Fairfield Road, Jesus Hospital Estate, Tredegar Square, Victoria Park and York Square.	

Lead Member	The Mayor
Originating Officer(s)	Sripriya Sudhakar, Team Leader- Place Shaping Team
Wards affected	[Bow East, Bow West, Island Gardens, Weavers and St. Dunstan's]
Key Decision?	Yes
Community Plan Theme	A Great Place to Live

Executive Summary

This report follows up on the scrutiny challenge session on *Planning in Conservation Areas: The implications of conservation areas on the extension of family homes* which went to Overview and Scrutiny Committee (OSC) in January 2015 and the six recommendations arising from that session agreed by the Cabinet on the 8th April 2015. It reports progress made with regard to Recommendation 3 in particular and sets out the work undertaken to assess opportunities for rear and roof extensions within Conservation Areas, the Addendums prepared, the consultation undertaken and the responses received.

This report presents Addendums to the Council's existing Conservation Area Management Plans' for Chapel House, Fairfield Road, Jesus Hospital Estate, Tredegar Square, Victoria Park and York Square Conservation Areas and requests that these are approved as supplements to the existing documents, and as such these will be material considerations in the determination of relevant planning applications.

The report also notes for information that further work to be undertaken in respect of Driffield Road and Medway Road Conservation Areas to explore the potential for the areas to accommodate extensions in greater detail. This additional work is for information purposes only and it is not intended that it should, at this stage, be considered to be a material consideration in the context of determining planning applications. The officers will present the findings to the Mayor in late summer 2016 who will then consider how this additional work should be taken forward.

Recommendation:

The Mayor in Cabinet is recommended to:

1. Support the recommendation to approve Addendums to the following six Conservation Areas Management Plans: Chapel House, Fairfield Road, Jesus Hospital Estate, Tredegar Square, Victoria Park and York Square Conservation Areas; and
2. Note that further research is being undertaken to more fully explore the potential for extensions for family homes in Driffield Road and Medway conservation areas, with particular focus on roof extensions.

1. REASONS FOR THE DECISIONS

- 1.1 It is important that the Council should clarify advice regarding extensions within those 8 Conservation Areas which formed the basis for the Overview and Scrutiny Challenge session in November 2014. The Challenge session identified six recommendations that were agreed by the Overview and Scrutiny Committee (OSC) and the Cabinet (The Action Plan setting out the various recommendation is set out in **Appendix 1**).
- 1.2 **Recommendation 3** was to individually refresh the Conservation Area Character Appraisal and Management Documents for the eight Conservation Areas with family dwelling houses within the Borough where householders submit the most planning applications, and pressure to provide increased family accommodation is greatest. The eight areas concerned were Chapel House, Driffield Road, Fairfield Road, Jesus Hospital Estate, Medway, Tredegar Square, Victoria Park and York Square Conservation Areas. The actions required included:
 - Appraising properties within each Conservation Area and categorising them according to their suitability for extensions;
 - Identifying criteria where it would be possible to build additional roof storeys and back extensions and possible restrictions;
 - Detailed technical notes for repairs and restoration work and for extensions, back up by photo visuals to avoid ambiguity
- 1.3 Officers undertook extensive review of the eight Conservation Areas and carried out the various actions as set out in the Action Plan (Appendix 1). Addendums were prepared for the eight Conservation Areas in line with recommendation 3 and these were the subject of public consultation between the 23rd Nov 2015 - 18th Jan 2016. Following public consultation officers reviewed all the consultation responses and other considerations and presented the findings to the Mayor for his consideration.

- 1.4 The Mayor, after carefully considering the consultation feedback and other material considerations set out by officers in various briefing notes, reached the view that officers should:
- Progress with the adoption of the Addendums for six of the Conservation Areas as prepared by officers
 - Undertake further detailed design guidance to explore further opportunities for mansard roof extensions for family homes in Driffield Road and Medway Conservation Areas.
- 1.5 This report seeks approval of the proposed approach and to progress to adoption the Addendums for the six Conservation Areas to Cabinet for consideration in July 2016.

2. ALTERNATIVE OPTIONS

- 2.1 To take no action – No change to existing Appraisals

This is not recommended as the proposed recommendations are strategic, measurable and attainable. A timetable for delivering the recommendations was also adopted by the Cabinet on the 8th April 2015. Failing to adopt these Addendums will compromise performance of our duty to deliver on commitments made in the form of various recommendations adopted by the Cabinet on the 8th of April 2015.

3. DETAILS OF REPORT

- 3.1 In November 2014 an Overview and Scrutiny Challenge Session was held to address a concern amongst some Borough residents that planning constraints in Conservation Areas were adversely affecting the ability of homeowners to remain in the Borough as their families grow. The perception from residents was that additional planning controls over extending properties within Conservation Areas were too restrictive. The issue was of particular concern to residents living within the Driffield Road and Medway Conservation Areas, but it was felt to be appropriate to look more widely at those Conservation Areas which are predominantly residential in character and which received larger numbers of householder planning applications.
- 3.2 The focus of the challenge session was therefore to examine the scope for finding solutions providing space for modern family living having regard to the requirement to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. The Challenge Session looked to explore what changes to planning policy, practices or procedures could be made to address these concerns whilst still protecting the character and appearance of Conservation Areas. The session was led by Cllr Joshua Peck, then-Chair of Overview and Scrutiny.

- 3.3 Following the session, a report was prepared outlining an Action Plan identifying six recommendations which were agreed by OSC and the Cabinet (8th April 2015). The original report with recommendations and the Action Plan which accompanies the report are attached as **Appendix 1**.
- 3.4 All of the recommendations set out in the Action Plan are being progressed, albeit with some delays. The following provides a summary of progress to date.

Recommendation 1 is a catch all and sets out the overall aim of the project, that is to recognise the detrimental impact that some planning restrictions are having on residents and the social capital of an area and redress the balance in favour of planning applicants, whilst still seeking to protect and enhance the Borough's heritage. This is taken forward through the detailed Actions set out under Recommendations 2 to 6.

Recommendations 2, 4 & 5 actions are being progressed, as part of the preparation of the new Local Plan. Consultation on the Draft Local Plan is anticipated in Autumn 2016. The adoption date for the new Local Plan is now Autumn 2017.

Recommendation 3 is the subject of this report. A refresh of identified Conservation Area Character Appraisals has been carried out in the form of Addendums for all eight Conservation Areas identified in the Action Plan. This report relates most particularly to six of the eight Conservation Areas: Chapel House, Fairfield Road, Jesus Hospital Estate, Tredegar Square, Victoria Park and York Square Conservation Areas. Further consideration is to be given to guidance to be provided in Addendums for Driffield Road and Medway Conservation Areas in the coming months.

Recommendation 6 was to prepare a new Supplementary Planning Document (SPD) for mansard roof extensions. Officers discussed the scope of the document with the Lead Member. Following this discussion, it was agreed that an SPD is not necessarily required to meet the objectives of Recommendation 6 and that this can be delivered through an Executive approved Guidance Note. Recommendation 6 therefore has been progressed in the form of a Guidance Note for Mansard Roofs (Appendix 4).

- 3.5 Following the adoption of the Action Plan in April 2015, officers analysed the eight Conservation Areas where householders submit the most planning applications to identify locations suitable for roof and rear extensions. They also undertook a review of Conservation Area Character Appraisals and how extensions were handled in other local authorities in Central London Boroughs.
- 3.6 Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that with respect to any buildings or other land in a Conservation Area, in taking decisions on planning applications the decision maker must pay special attention to the desirability of preserving or enhancing the character or appearance of that area. Case law suggests that whilst an

assessment of the degree of harm is a matter for planning judgment, once a decision maker considering a proposal finds that it would result in harm to a Conservation Area it must give considerable weight to the desirability of avoiding that harm, and it is not enough to ask whether the benefits of a development outweigh the harm.

- 3.7 The Council has a duty in this context to ensure that any change is managed very carefully within Conservation Areas. Actions outlined under Recommendation 3 involve a careful assessment of character appraisals and management plans for the eight Conservation Areas to identify scope for, inter alia, mansard roof extensions.
- 3.8 Officers carefully assessed the Character Appraisals and Management Plans for all the 8 Conservation Areas to identify potential for roof and rear extension and also reviewed relevant planning application history for family home extensions in the eight Conservation Areas.
- 3.9 This enabled the identification of a set of criteria for roof and rear extensions that would enable family home extensions whilst ensuring that the proposals are in accordance with the Council's statutory duty under S72 to pay special attention to the desirability of preserving or enhancing the character and appearance of Conservation Areas. Following this, an assessment methodology, criteria for identifying suitable locations for extensions and the general approach to the project were drafted to assess properties within the eight Conservation Areas.
- 3.10 The assessment methodology, criteria for identifying suitable locations for extensions and the general approach to the project were presented to and agreed with national and regional stakeholders including Historic England, the Victorian Society, the Society for the Protection of Ancient Buildings (SPAB) and the Georgian Group.
- 3.11 The approach taken was to prepare appraisals in the form of Addendums to the Conservation Area Character Appraisals and Management Plans for the eight Conservation Areas. The Addendums include maps showing locations suitable for roof and rear extensions after carefully assessing all the properties within each Conservation Area.
- 3.12 A detailed audit of existing roof and rear extensions was carried out for the eight Conservation Areas and maps were prepared to inform the assessment. Analysis of the eight Conservation Areas identified locations suitable for roof and rear extensions to support families living in these areas whilst ensuring that the proposals are in accordance with the Council's statutory duty pay special attention to the desirability of preserving or enhancing the character and appearance of the Conservation Area. Using the criteria identified in the methodology (Appendix 5), the Addendums identify locations suitable, in officers' opinion, for roof/rear extensions without creating a known or necessary harm to the Conservation Areas. The Addendums list 'properties where roof extension/alterations might be considered acceptable subject to a

planning application` and explain that `Inclusion on the list does not mean that a full mansard is acceptable. Where appropriate, alterations may simply be a small traditional dormer`.

- 3.13 Addendums (**Appendix 2**) were prepared to the existing guidance for eight Conservation Areas - Chapel House, Driffield Road, Fairfield Road, Jesus Hospital Estate, Medway, Tredegar Square, Victoria Park, and York Square Conservation Areas. The Addendums provide more flexibility for rear extensions than for roof extensions reflecting that the former have greater potential to provide for family home extensions without causing harm to the character and appearance of the Conservation Areas concerned.
- 3.14 The Addendums also acknowledge that there may additionally be restrictions on the scope for extensions due to amenity considerations. The document recognises that even where locations are identified as suitable for extensions all the restrictions of general planning policy will continue to apply.
- 3.15 The proposals in the form of eight draft Addendums and Mansard Roof Guidance Note were the subject of public consultation from 23rd November 2015 to 18th January 2016. As part of the public consultation, views from national and regional stakeholders including Historic England, the Victorian Society, SPAB and the Georgian Group were sought.
- 3.16 In addition the Conservation and Design Advisory Panel (CADAP), who provide independent design and conservation advice to the Council, were also consulted and the proposals were tabled for discussion at the Panel meeting in December 2015.
- 3.17 The documents were published on the Council's website for residents' feedback. The link to the documents on Council's website is provided below:
http://www.towerhamlets.gov.uk/ignl/environment_and_planning/planning/planning_guidance/consultation_and_engagement/previous_consultations.aspx
- 3.18 As part of the consultation process, six public events were held to receive comments and feedback to inform the proposals. Details of the public consultation events are set out below.

Driffield Road, Fairfield Road, Medway, Tredegar Square & Victoria Park	St. Paul's Church, St. Stephens Road, London E3 5JL	Thursday 3 rd December	Friday 11 th December
Jesus Hospital Estate & York Square	The Scott Room, Oxford House, Derbyshire St, Bethnal Green, London E2 6HG	Tuesday 8 th December	Friday 4 th December
Chapel House	Canary Wharf Idea Store, Churchill Place, London E14 5RB	Friday 4 th December	Monday 30 th November

- 3.19 An advert was placed in East End Life on 23rd November 2015 (Appendix 6) and letters (Appendix 7) were sent to all addresses within the eight Conservation Areas setting out the context for the consultation, providing a link to the documents, inviting the addressees to the consultation events and requesting feedback.
- 3.20 During the consultation period, the Mayor issued a statement that acknowledged the concerns raised by residents, set out his views on the proposals, and explained that the consultation was a necessary first step in the process to receive feedback from residents. The Mayor's Statement is included in **Appendix 8**.
- 3.21 Consultation ended on 18th January 2016. A total of 242 consultation responses were received expressing an opinion about the introduction of mansard roofs in Conservation Areas. Of these, 160 opposed the Addendums and wanted the introduction of a more permissive approach to roof extensions, more specifically mansard roofs; whilst 82 supported the Addendums and were opposed to mansard roofs.
- 3.22 A summary of consultation responses received at the consultation events and written feedback is included in **Appendix 3**. The summary includes a detailed analysis of the reasons for support for and opposition to mansard roofs in the eight Conservation Areas.
- 3.23 Recommendation 3 also provided for the preparation of technical note for repairs and restoration works and for extension. This is a very specialist piece of work with a wide scope. There is already a wealth of information available to householders from reputed sources like Historic England, SPAB and other amenity societies. The Adopted Character Appraisals and Management Plans for the eight Conservation Areas identify issues and opportunities with regards to existing buildings including maintenance and restoration works.
- 3.24 Officers collected what they consider to be the most relevant information sources for residents' information for reference in the form of a Technical Guidance Leaflet (**Appendix 12**), which was made available at the consultation events for comment and feedback. The public consultation also provided an opportunity to engage with residents to identify specific repair/restoration topics that may require further guidance. Feedback was also requested as part of the consultation for householders to identify specific repairs or maintenance or restoration topics for additional guidance.
- 3.25 There was general acknowledgement of the approach taken and there were no further comments/feedback on the draft Technical Guidance leaflet. Officers have updated the Technical Guidance Leaflet and this will be made available on the Council's website in June 2016.
- 3.26 Analysis of the consultation responses reveals that, overall, around one third of respondents were in support of the approach set out in the Addendums (ie in respect of rear extensions), while around two thirds wanted a more permissive approach to allowing mansard roof extensions in the consultation

areas. Whilst the Addendums provided more flexibility for rear extensions than for roof extensions to reflect the potential of the latter to have a harmful impact on Conservation Areas, this degree of flexibility was not considered sufficient by those wishing to add two extra bedrooms to their three bedroom properties.

- 3.27 The majority of respondents who supported the Addendums expressed concern about harm to the character and appearance of the Conservation Areas that may arise from a more permissive approach to mansard roof extensions. The majority of those objecting to the Addendums thought that a more permissive approach allowing home extensions was necessary to enable families to expand in their current homes, rather than moving out of the Borough to find larger accommodation.
- 3.28 Amongst the reasons given for supporting the introduction of mansard roofs were:
- They are necessary to allow families to expand and remain in the Borough
 - There is an existing lack of consistency in the Conservation Area townscape.
- 3.29 Amongst the reasons given for opposing the introduction of mansard roofs were:
- They are harmful to the special character of the Conservation Area and damaging to the historic environment.
 - They will damage social cohesion by encouraging property speculation, and the conversion of houses into flats and homes in multiple occupation.
- 3.30 Two petitions (**Appendix 9**) were also received as part of the consultation process. One, containing 32 names, rejects the draft Addendums and guidance for roof and rear extensions. Another, containing 19 names, rejects the draft Addendum specifically for the Driffield Road Conservation Area (and the guidance for roof and rear extensions). There is some degree of overlap between the names on the two petitions, and the individual consultation responses received.
- 3.31 The views of various amenity societies were sought during the preparation of the proposed Addendums and Guidance, and there has been general support for the proposed approach. In particular Historic England (formerly English Heritage) commented that the proposed methodology was:
- “...well considered, very thorough, and in accordance with the National Planning Policy Framework requirement that local planning authorities set out a positive strategy for the conservation and enjoyment of the historic environment.”*
- 3.32 In their response, the Georgian Group (whose remit covers buildings dating from 1700 to 1840) noted they have never condoned the removal of an

original historic roof structure, for a listed building or a non-listed building within a Conservation Area, simply to provide an additional mansard storey.

- 3.33 At a local level, the Mile End Old Town Residents Association noted that terraces of houses of uniform height with “butterfly” roofs hidden behind a parapet provide an essential ingredient to the architectural character of the Tredegar Square Conservation Area. It also recommended that present planning rules be maintained or the reasonable proposals for change in addendums be adopted.
- 3.34 It is clear from the assessment of consultation responses that of the eight areas under review, Driffield Road and Medway Consultation Areas were the subject of the most representations. One third of responses received (in respect of Driffield Road and Medway Conservation Areas) were in support of the Addendums and the other two third opposed the Addendums and wanted a more permissive approach to mansard roof extensions across these Conservation Areas. Those who opposed the Addendums did not consider that the proposals sufficiently addressed concerns from those wishing to add two extra bedrooms to their 3 bedroom properties.
- 3.35 Jesus Hospital Estate and Tredegar Square Conservation Areas were also the subject of a number of representations. Around half of the responses supported the Addendums and did not want roof extensions (mansards) whilst the other half opposed the Addendums and wanted mansard roof extensions across those Conservation Areas.
- 3.36 Responses were also received in respect of the other four Conservation Areas (Chapel House, Fairfield Road, Victoria Park and York Square) although fewer in comparison to the other four Areas. In these four Areas half of the responses, again, supported the Addendums and did not want roof extensions (mansards) whilst the other half opposed the Addendums and wanted mansard roof extensions across the conservation area.
- 3.37 Responses were also received from residents living in other Conservation Areas in the Borough, other than the eight Areas under review. These residents seek a similar review of their Conservation Area and a permissive approach to mansard roof extensions in their Conservation Area. These Areas are Albert Gardens, Carlton Square, Clinton Road, Roman Road Market and St Peter’s. However, these representations do not bear on the Addendums currently under consideration.
- 3.38 It is reasonable to conclude that maximum opposition to the Addendums is from within the Driffield Road and Medway Conservation Area where a clear majority of those responding to the consultation exercise want a more permissive approach to roof extension and mansard roofs in particular. However, it is important to note that even in these two Areas, one third of responses received oppose such an approach.
- 3.49 The Council has a statutory duty to pay special attention, in the context of development proposals, to the desirability of preserving or enhancing the

character and appearance of Conservation Areas. The NPPF requires decisions on planning applications to be made in accordance with local planning policies. At a local level, Policy DM27 of the Tower Hamlets Local Plan Managing Development Document Development Plan Document (MDD) 2013 seeks to protect and enhance the borough's heritage assets, their setting and their significance; Policy SP10 of the Tower Hamlets Core Strategy (CS) Development Plan Document 2025 (adopted 2010), seeks to ensure that development respects its local context and townscape and contributes to the enhancement or creation of local distinctiveness. Furthermore, Policies 7.4, 7.6 and 7.8 of the London Plan which seek to ensure that development is informed by the surrounding historic environment, comprise details that complement the local architectural character, and, should conserve the significance of heritage assets.

- 3.40 Officers have had close regard to the fact, as they see it, that a permissive approach to mansard roof extension across the eight Conservation Areas referred to above has the potential to undermine the Council's ability to determine planning applications in accordance with its statutory duty and lead to considerable harmful impact on the character and appearance of the Borough's Conservation Areas, the management of which is provided for in the Council's Conservation Appraisals and Management Plans for each of the eight (8) Conservation Areas.
- 3.41 It is proposed, in light of the consultation exercise summarised above, that the Addendums in respect of Jesus Hospital Estate, Tredegar Square, Chapel House, Fairfield Road, Victoria Park and York Square Conservation Areas should be adopted without further amendment. Officers do not consider that representations received justify change, in particular, to the lists of properties in respect of which roof extensions/alterations might be considered or the terms in which that potential is described consistent with preservation of the character and appearance of those Areas.
- 3.42 It is considered, on the other hand, that there is scope at least for consideration of a more permissive approach in respect of the Driffield Road and Medway Conservation Areas.
- 3.43 In light of the consultation exercise summarised above, officers consider there is little scope for further mansard roof extensions within the six areas Conservation Areas. It is proposed that the Addendums in respect of Jesus Hospital Estate, Tredegar Square, Chapel House, Fairfield Road, Victoria Park and York Square Conservation Areas should be adopted without further amendment.

Chapel House Conservation Area is largely composed of a variety of short, two storey terraced groups and pairs of houses which date mostly from the first part of the twentieth century. A number of the terraces are angled to follow the line of the winding estate roads. The houses have simple pitched roofs, some of a low pitch. Nearly all of the roofs have hipped ends but several houses were built with side gables

and a couple of terraces incorporate front facing gables. Overall there is a consistent sense of scale across the Conservation Area.

Fairfield Road Conservation Area is more mixed in terms of land use and also in terms of building typology than many other areas. The terraced houses within this Conservation Area are varied in terms of date and form. They range from the simple, elegant mid nineteenth century terraces along parts of Fairfield Road, with their London roofs to the later nineteenth/early twentieth century terraces of Ridgedale Street and Wrexham Road which have pitched roofs..

The character of the Jesus Hospital Estate Conservation Area is defined by the homogenous layout of low scale streets. Its terraces are essentially two storeys high and follow the general pattern of London Victorian terraces. Much of the character of the terrace is gained from its overall uniformity and rhythm, its height, bay, width, arched window heads, consistent setback, matching materials and details. The terraced houses have subtle variations but otherwise, the consistent yellow brick streetscape is significant as a group of buildings forming a coherent whole. The Conservation Area feature London (or Butterfly) roofs that are of low pitch and are concealed from the street (i.e. the front) behind parapets producing a hard, straight edged appearance and a strong silhouette.

Tredegar Square Conservation Area is largely composed of a series of residential terraces. The terraces whilst consistent within themselves vary greatly in detail. They range from the very grand (listed) earlier nineteenth century terraces surrounding Tredegar Square, to the decorative late nineteenth century terraces fronting Lichfield Road. Over the years the Council and building owners have sought to preserve the fundamental, consistent character of the terraces and preserve the historic roof forms which are so significant a part of the character and appearance of the Tredegar Square Conservation Area.

Victoria Park Conservation Area is largely composed of a series of mid nineteenth century residential terraces. The houses were built in terraced groups and these vary in scale with the grander terraces being those leading up to the park on Approach Road and those in close proximity to the park; the houses on adjoining roads being slightly smaller in scale. Roof profiles across the area vary, there are good series of London roofs with chimneys against party walls, there are pitched roofs with eaves, and there are also examples of a combination of the two, with a front to rear pitch set behind a parapet, however each terrace is generally consistent within itself in terms of overall scale and roof profile. The continuity of the roof line is an important feature of the terraces.

York Square Conservation Area is largely composed of a series of earlier nineteenth century residential terraces. The two storey brick terraces are elegantly proportioned, although modestly scaled. Within

this area there is more overall variety in terms of roof form, than is the case in many other Conservation Areas in the Borough but it is notable that in general each terrace has a consistent appearance with a single type of roof.

- 3.44. For the reasons set out above, mansard roof extensions are considered appropriate in locations identified within these six areas as referred to in the respective addendums. And applications for mansard roofs outside the locations identified within the Addendums will continue to be determined on their own merits on a case by case basis where they meet relevant local plan policies.
- 3.45 Officers recognise that some of these conservation areas, amongst others, may benefit from additional investigation in the future for example to respond to changes to legislation. Such investigations are beyond the scope of this report and officers recommend that the addendums are adopted for these six areas as prepared, recognising that further review may take place in the future.
- 3.46 With regard to Driffield Road and Medway Conservation Area, officers consider that there may be scope for further consideration for roof extensions due to the particular character and appearance of these two conservation areas with their consistent overall scale and uniformity of terraces.
- 3.47 It is the cohesive character of each of the Driffield Road and Medway Conservation Areas, rather than individual buildings situated within them, which the Conservation Area status seeks to preserve and enhance. This presents an opportunity for exploring options for roof extensions that respect the cohesive character of these two Conservation Areas.
- 3.48 Taking a permissive approach to mansard roof extensions in only two Conservation Areas, as sought by a significant number of residents, could pose a number of risks, including as to whether the Council would be able to make decisions in accordance with its duty to pay special attention to protecting and enhancing the character and appearance of Conservation Areas in the Borough. It is also for consideration whether a more permissive approach to mansard roof extensions in these two Conservation Areas potentially would result in considerable change to the character and appearance of these Areas. It is therefore important that further detailed design work should be undertaken to further explore opportunities for mansard roof extensions in these two Conservation Areas prior to adoption, if at all, of a more permissive approach to them.
- 3.49 Such an approach would carefully assess the character appraisals and management plans for the two Areas, undertake a detailed survey to identify further criteria for mansard roof locations and develop options for design and assess the proposals against existing condition to make a full assessment of the proposals and their impact and help to assess the scope for mitigation of harm to the character and appearance of these Conservation Areas.

- 3.50 Not all properties within these Conservation Areas may have the potential to be suitable for roof extensions. Detailed design work will be based upon a site specific approach to roof extensions that takes into account the unique character of the terrace, its location within the Conservation Area, views within the Conservation Area and views from surrounding open space and other material consideration including impacts on any neighbouring listed properties and amenity considerations.
- 3.51 Such an assessment will help the Council to balance the needs of residents and its statutory duty to pay special attention to the desirability of protecting and enhancing the character and appearance of these Conservation Areas. Detailed design work will help the Council to make an informed judgement of opportunities available for roof extensions within them. The proposed approach to undertake further detailed design guidance for mansard roofs in these two Areas is in keeping with the Councils statutory duty to preserve or enhance the character and appearance of the Conservation Area by managing change proactively.
- 3.52 Driffield Road and Medway Conservation Areas merit further investigation work in the form of further detailed work because they are almost wholly characterised by 2-3 storey Victorian terraces and are predominantly residential in character. This is not necessarily the case in the other six Conservation Areas. Accordingly it is important that the character and integrity of these two Conservation Areas is properly considered in what may be acceptable in respect of applications for mansard roofs.
- 3.53 Driffield Road and Medway Conservation Area is characterised by the homogenous layout of small scale streets, containing uniform terraces and the lively Roman Road and the streetscape of small retail shops. This is an area of particular special architectural and historic interest, illustrated by its rich history, cohesive character and domestic architecture dating from the 19th century. There are no statutory listed buildings within the two Conservation Areas. It is the cohesive character of the Area rather than individual buildings which the Conservation Area status seeks to preserve and enhance. . That very integrity has the potential to be harmed by insufficient consideration being given at the outset before any change in approach is recommended for decision.
- 3.54 Driffield Road and Medway Conservation Areas were essentially designated to protect the overall character of the Victorian terraces, which are of collective townscape merit. Officers consider that the proposed detailed design work to explore further opportunities for mansard roof extensions need not compromise the reasons for the designation of these two Conservation Areas.
- 3.55 It is unlikely that a single solution would be appropriate and a range of options will be considered with the possibility that roof extensions may be treated more favourably in some parts within the Conservation Area than others. Until any such a detailed guidance has been prepared, assessed and adopted by

the Council all planning applications for roof extensions (mansard) in Driffield Road and Medway Conservation Areas must be determined in accordance with existing policy and guidance.

- 3.56 Officers will make their final recommendation in respect of any more permissive approach to mansard roof extensions in Driffield Road and Medway Conservation Areas or parts of them and the form of any such development which that approach might apply in light of further detailed work as set out in the points above.
- 3.57 It should be noted that planning applications for roof extensions in the Borough including other Conservation Areas will continue to be determined on their merits in accordance with the Council's existing planning policies and guidance.

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 Following a previous report to Cabinet from the Overview and Scrutiny Committee on the implications of conservation areas on the extension of family homes (Cabinet – 8th April 2015), this report updates the Mayor in Cabinet on the subsequent progress made against specific recommendations arising from that report. It also seeks approval for the adoption of the six 'Addendums to Conservation Area Character Appraisal and Management Guidelines' documents included within Appendix 2.
- 4.2 As was the case with the previous report, the recommendations are associated with reviewing and updating policies and planning documentation. The main resources related to the preparation of the amendments to the conservation area guidelines and the undertaking of the formal consultation process are officer time, the costs of which have been met from within existing budgets.
- 4.3 The report proposes that further design guidance will be prepared for the Driffield Road and Medway Conservation areas, and that this will involve the procurement of external heritage/design consultants with a further consultation exercise being carried out (paragraph 3.45). These costs will also be met from existing approved budgets.

5. LEGAL COMMENTS

- 5.1 This report updates the Mayor in Cabinet regarding certain recommendations arising from a report dated 8th April 2016, to Cabinet from the Overview and Scrutiny Committee on the implications of Conservation Area designation on the extension of family homes and should be read and considered in the context of the Council's general statutory duty in respect of Conservation Areas in the exercise of its powers as the local planning authority (LPA) for the London Borough of Tower Hamlets, as described below.

- 5.2 In the determination of applications for development in Conservation Areas, statute specifically requires the Council to pay special attention to '*the desirability of preserving or enhancing the character or appearance of that area*' (section 72 (1) Planning (Listed Buildings and Conservation Areas) Act 1990, in the exercise of its functions as LPA.
- 5.3 Also, the National Planning Policy Framework (NPPF) requires decisions on planning applications to be made in accordance with local planning policies. This includes decisions made by the Council, in its capacity as the LPA, on planning applications for mansard roof extensions.
- 5.4 This report shows that the Council's officers have considered and assessed on a selective basis parts of certain Conservation Areas in the Borough, regarding the potential applicability to such Conservation Areas of a permissive, though qualified, approach to mansard roof extensions.
- 5.5 The report describes the proposed six Addendums to the Conservation Area Character Appraisal and Management Guidelines documents for six Conservation Areas in the Borough, for which officers consider the potential for roof extensions/alterations in parts of these six Conservation Areas on a qualified basis.
- 5.6 This report explains how the proposed change of approach by the Council, as set out in this report, would be consistent with the continued designation of the Conservation Areas concerned (see the reasons at section 1. of this report), and it is understood that if the Mayor in Cabinet recommends that the change of approach under consideration should be taken forward then it would be for Cabinet to make its own decision on the recommendations. For two further Conservation Areas (Driffield Road and Medway), this would occur following the procurement of and consultation on detailed design work intended to guide applicants in the preparation of planning applications for mansard roof extensions to residential properties in the Medway and Driffield Road Conservation Areas.
- 5.7 This report acknowledges that potential harm could arise from the proposed change of approach to be assessed by officers (see paragraphs 3.41, 3.44, 3.48 & 3.52 in particular of this report), and that further design work is required in order to fully inform the Council's decision-making to ensure that the Council has observed and discharged its duty under s72(1) of the Planning Listed Buildings and Conservations Area Act.1990. This is because if the Council finds that harm would result to a Conservation Area from a development proposal, then it must give considerable weight to the desirability of avoiding that harm and the degree of harm must be considered and taken into account.
- 5.8 Nonetheless it should be noted and understood that the Council is at risk of challenge not only from those who are critical of the proposed change of approach but also from those who would like to see a more extensively applied permissive approach to other or all Conservation Areas within the

Borough in respect of mansard roof extensions, and not selected Conservation Areas or parts of them.

- 5.9 This report sets out to show how officers have sought to consider all material considerations in their assessment following the close of consultation. As the issue of family home extensions is relevant across most of the Conservation Areas in the Borough, allowing for a selective permissive approach could put the Council at risk of been seen as not acting fairly in decision-making with regard to family home extensions across all Conservation Areas in the Borough. This report presents that the Council's officers have sought – and will continue to seek - to ensure the proper, objectively-founded and fair observance by the Council of its statutory duty referred to under paragraph 5.2 above by taking into account all material considerations as described in this report in order to ensure the protection and enhancement of the Borough's Conservation Areas.
- 5.10 In deciding whether to bring forward the recommendations in this report, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who do not. It is understood that an Equality Analysis Quality Assurance Checklist was undertaken in 2006/2007(see paragraph 6.4 below), which concluded that 'any impacts on diversity and equality will therefore be indirect' and indicates that no negative equality impacts arise at this stage. The position will be reviewed if and when the proposed recommendations are brought forward to Cabinet and, in any event, as part of due process in the consideration by the LPA of each and every planning application, including those submitted for extensions to buildings in Conservation Areas.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 One of Tower Hamlets great strengths is its diversity, however, this diversity can sometimes result in inequality. One Tower Hamlets is about reducing the inequalities and poverty that we see around us, strengthening cohesion and making sure our communities continue to live well together.
- 6.2 A key theme in the Tower Hamlets Community Plan is that of A Great Place to Live. The Community Plan states that: "A Great Place to Live reflects our aspiration that Tower Hamlets should be a place where people enjoy living, working and studying and take pride in belonging". The preservation and enhancement of areas of special architectural or historic interest may make a significant contribution to the local environment and how people feel about Tower Hamlets. Pride in the local environment may serve to bring communities together across ages and backgrounds.
- 6.3 Inclusion of a property on the Statutory List or within a Conservation Area can result in additional costs being incurred by occupants and owners, both in

terms of the sympathetic repair of buildings and the development of proposals for their alteration or extension. The Addendums to be adopted will help to clarify the special character of a Conservation Area particularly with reference to possible extensions and thus help to minimise the costs by providing surety to the development process.

- 6.4 An Equality Impact Assessment was carried out to consider the public consultation undertaken in 2006/7 and to assess the likely impact of the conservation area character appraisals and management guidelines on the Borough's diverse communities. In essence the conclusion of the Equalities Impact Assessment was that Conservation Area Character Appraisals and Management Guidelines promote the preservation of the special architectural and historic character of Conservation Areas and that their implementation is dependent upon the quality of the built environment. Any impacts on diversity and equality will therefore be indirect, but it is considered to be generally consistent with the Council's positive equalities duties to take action that is in accordance with the theme of One Tower Hamlets in the Community Plan.

"The Conservation Area Character Appraisals and Management Plans promote the preservation of the special architectural and historic character of conservation areas, and will be regularly reviewed to ensure that they reflect the comments of the communities which live within them. Their implementation is dependent upon the quality of the built environment and any impacts will be indirect".

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The adoption of the Addendums and Mansard Roof Guidance Note will help residents of the six Conservation Areas to better understand the potential of extending their homes. It will also help to provide greater certainty and efficiency in the determination of some planning applications in the six conservation areas.
- 7.2 Work to date has been carried out by Council officers. Future work in respect of the two remaining conservation areas will be carried out by external consultants through the use of a competitive procurement process.
- 7.3 Consultation has been carried out with local residents in the eight Conservation Areas, along with other key stakeholders. This is detailed in paragraphs 3.15 to 3.22 of this report.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no specific environmental implications associated with this report.

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 Progress on the addendums and Mansard Roof Guidance Note has been regularly reported through a number of internal groups that consider risk management and mitigation. These include:

- Directorate Management Team (25th April 2016)
- Corporate Management Team (11th May 2016)

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

10.1 There are no specific crime and disorder reduction implications associated with this report.

11. SAFEGUARDING IMPLICATIONS

11.1 There are no specific safeguarding implications associated with this report.

Linked Reports, Appendices and Background Documents

LINKED REPORTS

- None

APPENDICES

Appendix 1 - Cabinet Report and Action Plan (8th April 2015)

Appendix 2 - Addendums to six Conservation Areas (Chapel House, Fairfield Road, Jesus Hospital, Tredegar Square, Victoria Park and York Square)

Appendix 3 - Consultation Feedback

Appendix 4 - Mansard Roof Guidance Note (Nov 2015 Consultation Version)

<http://www.towerhamlets.gov.uk/Documents/Consultation/Mansard-Roof-Guidance-Note.pdf>

Appendix 5 - Methodology adopted for Addendums

Appendix 6 - Advert in East End Life

Appendix 7 - Letter sent to residents

Appendix 8 - Mayors Statement

Appendix 9 - Petitions received by the Council

Appendix 10 – Existing Character Appraisal and Management Plan documents for the six conservation areas (Chapel House, Fairfield Road, Jesus Hospital, Tredegar Square, Victoria Park and York Square) (available on request)

http://www.towerhamlets.gov.uk/lgn/environment_and_planning/conservation/conservation_areas/character_appraisals.aspx

Appendix 11 – Equality Analysis Quality Assurance checklist

Appendix 12 – Technical Guidance Leaflet

BACKGROUND DOCUMENTS – Local Authorities (Executive Arrangements)(Access to Information)(England) Regulations 2012

- None

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