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LONDON E11 2DW**

**SUMMARY  
PROOF OF EVIDENCE  
SECTION 78 APPEAL**

**APRIL 2010**

- APP/3398/08 ('Scheme 2')
- APP/2393/09 ('Scheme 3')

**PINS Ref. W5780/A/09/2119252/NWF &  
W5780/A/10/2121325/NWF**

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## 1.0 SUMMARY PROOF OF EVIDENCE

- 1.1 My name is Chris Miele and I am a Partner at Montagu Evans' central London office. I am a Chartered Town Planner and a Member of the Institute of Historic Building Conservation.
- 1.2 As one of five partners in the P&D department I provide specialist advice on sites which involve the development in the historic environment and sensitive landscapes.
- 1.3 I understand to the duties of expert planning witnesses and adhere strictly to the RTPI Code of Conduct in this regard – see Section 9.0 of my Proof.
- 1.4 My full qualifications, background and experience is likewise set out in my main Proof, at Section 1.0, and Appendix 15.0.
- 1.5 My evidence addresses both section 78 appeals (scheme 2 and scheme 3), and considers the single reason for refusal for each. These are similar. Each focuses on the 'design' of Blocks B and C in particular, as manifested in their appearance and in particular the Art Déco style of 2. In this context design means decoration and style, materials and overall arrangement of forms. The other aspect of design – scale – has not been cited in the reasons for refusal.
- 1.6 The two schemes are likewise very similar in their overall arrangement. The point at issue with the Council is the design of Blocks B and C, along Nutter Lane, in each. Notwithstanding the level of agreement with the local authority, I assess each scheme in its entirety for the sake of completeness. Both schemes enable the retention of two trees which contribute to the amenity of the area.
- 1.7 The principal issue is whether the proposals sustain or enhance the significance of the Conservation Area (hereafter 'CA'). The designation of this Large Asset is a significant changed circumstance between these and the previous Appeal in relation to scheme 1. I also consider the effect of the development on a locally designated heritage asset, the short terrace of houses at nos. 57-63 Nutter Lane, which lie immediately east of the Appeal site, and on a statutorily listed building, Applegarth, further up Nutter Lane to the west. I conclude that the development has no significant effect on that listed building.
- 1.8 The setting of nos. 57-63 Nutter Lane overlaps with the character and appearance of the CA at this point, and I deal with it in those terms whilst recognising that there is planning policy, E3, which seeks the preservation of locally designated assets. Preservation means the avoidance of harm. The principal characteristics of this building which contribute to its local interest are: its vernacular revival character; the same reinforced by its detailing and good quality materials; its steeply pitched tiled roof and high stacks. The development has historical associations with a local family who gifted the Sports Ground.
- 1.9 There is no adopted appraisal of the CA, and accordingly I have prepared an analysis set in Section 4.0 of my Proof. This is illustrated with plans and photos reproduced in my Appendices (tabs 1.0 through 7.0).

- 1.10 I have concluded that CA's interest is as a kind of pattern book illustrating good examples of the several kinds of residential development which characterise London suburbs from the period 1890 to the present. Some of this development is of good architectural quality, some merely typical but of interest because they contribute to the overall character of a well defined area. Within this area there are several character areas defined by their spatial form and/or architectural coherence. The Appeal site lies between character areas; Blocks B and C, the ones at issue with the local authority, are associated with Nutter Lane and the Sports Ground.
- 1.11 And across the whole of the area no single architectural form prevails; rather the townscape is the product of smaller groups of similar developments or single houses or buildings, many of particular architectural interest.
- 1.12 Certain characteristics, however, provide interest and some coherence to the area: gardens of varying depths, a clear pattern of streets which rise gently to the high street from a primary north-south 'spine' (Leicester Road), clear ways in and clear ways out, brick and render, half timbering, pitched roofs, a strong sense of order or rhythm in places, vertically grouped openings. The buildings are for the most part houses, but there are three blocks of flats: one nearby the Appeal site (no. 31 The Avenue) which is associated with two lower blocks; and an historic one at the top of Grosvenor Road, in the Art Déco style and known as the Shrubbery.

#### Scheme 2

- 1.13 I have concluded that the houses here are an elegant, contemporary interpretation of a traditional Edwardian type which will reinforce the significance of the CA by completing a street and reinforcing local architectural characteristics.
- 1.14 Block A sits comfortably on its corner plot, the overall form of the building broken down into two parts in order to articulate the junction and to reduce its mass. The application of the language of traditional architecture to a new block will reinforce local distinctiveness and in so doing better reveal the heritage interest of the CA. Overall, Block A is a well-mannered, tidy composition that sits comfortably on its plot, and provides a suitable transition between the new semi-detached houses and Blocks B and C.
- 1.15 Blocks B and C vary the approach, and adopt an Art Déco-inspired style which I understand was welcomed by the Council's Conservation and Urban Design officers but not by some residents. The reason for refusal refers to their 'incoherent appearance' in Nutter Lane and incongruity with the locally designated asset. Here the objection seems to be based on the style of the buildings principally.
- 1.16 However, Nutter Lane has no consistent appearance. In my Proof I also explain why I believe the style is appropriate. Modern styles of architecture were associated with health and fitness in the interwar period and the presence of matching blocks in this style overlooking the Sports Ground is appropriate for this reason. Furthermore, the design choice is one that is consistent with the historic interest of the CA and reflects the style of an authentic Art Déco block at the other end of the area. The character of the buildings and their detailed design (which I consider has an authentic quality) will introduce interest and playfulness into the CA and make explicit one phase in its historical development.

- 1.17 For these reasons I concluded that the proposals as a whole preserve and enhance the character and appearance of the CA in line with planning policy E3, statutory provision and recent PPS5 guidance. For the same reasons I concluded that scheme 2 satisfied plan policy BD1 as well, in particular because its style is appropriate to the locality (defined by the CA in this part and as a whole) and that its intrinsic design would contribute to local architectural quality.

### **Scheme 3**

- 1.18 The houses here follow a different set of precedents, the interwar semis in Gloucester Road, the details of which have informed the elevations of the scheme 3 houses. In this way the group will complete the streetscene and reinforce its significance.
- 1.19 The design of Block A is identical to that in scheme 2 and my comments above apply.
- 1.20 In scheme 3, however, the architecture is seeking to respond particularly to the characteristics of nos. 57-63 Nutter Lane, the locally designated asset. In so doing it better reveals that building's significance and reinforces local distinctiveness. Whereas in scheme 2 the design of B and C seeks to make a positive contribution to the architecture of the locality, in scheme 3 the emphasis in B and C is more on preservation, albeit that the beneficial use of the site, and its appropriate landscaping is in any event in itself an enhancement.

### **Consultation Responses**

- 1.21 English Heritage was closely involved in the evolution of scheme 2 and was satisfied that both it and scheme 3 met statutory provision and then current PPG15 guidance.
- 1.22 The Conservation and Urban Design Officers were not, though there were aspects of each scheme which they could support. They favoured the Art Deco inspired scheme 2.
- 1.23 A residents' group wanted scheme 3 because it was 'in-keeping'. The Wanstead Society disliked Blocks B and C in both and so too did the Borough Conservation Advisory Panel.
- 1.24 In the circumstances, I conclude that English Heritage's consultation responses should have significant weight because are independent and expert.

### **Conclusion**

- 1.25 For the above reasons, and in relation to the single reason for refusal, all of which falls within my scope of evidence, I concluded that these s78 appeals should be allowed and consented for both granted.