

Appeal Decision

Site visit made on 4 October 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 31st October 2016

Appeal Ref: APP/E5900/W/16/3151998

Entrance adjacent to 36 Goulston Street, Tower Hamlets, London W1 7TP

- 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 Steve Inkpen on behalf of EastEndHomes against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/16/00254, dated 26 January 2016, was refused by notice dated 24 March 2016.
 - The development proposed is to introduce a new 2.3 metre high metal security gate on a private estate road between Nos. 16 and 36 Goulston Street at the entrance to Herbert House and Jacobson House.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area, with particular regard to public access and permeability.

Reasons

3. The appeal site is located between Goulston Street and Old Castle Street and contains two five storey blocks of flats known as Herbert House and Jacobson House. The site lies within a mixed commercial and residential area and is situated approximately one mile from the City of London and as such I consider it to be an inner city location.
 4. Policy DM23(1) states that development can positively contribute to the borough's streets and public realm in terms of improving connectivity, permeability and legibility whilst also improving safety and security. Furthermore, the policy establishes the need to incorporate the principles of inclusive design which include improved access to, from and within the development site and buildings for all users without due effort, separation or special treatment and prevent the creation of barriers to movement.
 5. The proposed gate would be set back from Goulston Street and positioned between two sizeable brick flank walls at Nos 16 and 36 Goulston Street. Despite its setting back, given its size and design, the gate would be visible when viewed along New Goulston Street and would create a closed view which would appear as a dead end in the overall streetscene and pattern of development.
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6. Furthermore, the proposed gate would close off an existing east-west pedestrian route through the area which consists of New Goulston Street, the appeal site and the public open space near to Denning Point leading on to Commercial Street. I note in the Design and Access Statement supporting the approved development of application Ref: PA/08/02347 that this route would be enhanced and would create a well-connected and cohesive route which would benefit with wider community. In addition, the railings on the eastern boundary of the site, whilst relatively low level along Old Castle Street, were to be removed to create a new pedestrian link as part of the wider improvement works to the area. From the submitted evidence before me, the proposed gate would not provide these benefits.
7. The appellant states that there is no public right of way across the appeal site and that it is private land. However, the Council argues that the existing walkway through the site is an important pedestrian link within a wider network of public open space. Notwithstanding this, there is no substantive evidence to confirm whether a public right of way or access passes through the appeal site. Furthermore, from the site visit I saw no formal signage or notification at the existing entry and exit points to indicate that the route was on private land.
8. I acknowledge that there is a level of criminal activity and anti-social behaviour present in the local area. Furthermore, I appreciate that the proposed gate would provide a more secure environment for the residents of Herbert House and Jacobson House and would likely reduce the criminal and anti-social activity which has been experienced by them. However, there is nothing to suggest that the appeal site suffers from any greater incidence of crime or anti-social behaviour than the surrounding area given its inner city location. In addition, the appellant has not provided any substantive evidence to show what, if any, other measures have already been undertaken to mitigate or prevent such activity in and around the appeal site prior to this proposal being considered.
9. Whilst the proposed gate would create a safer and more secure environment for the local residents of Herbert House and Jacobson House, I find that other measures which utilise the principles of urban design are capable of providing similar benefits without having the potentially negative impacts of segregation, reduced permeability and loss of access. Therefore, having considered the above, I find that the appeal site does not have a level of crime or anti-social behaviour which is over and above that experienced in the wider area. As a result, this would not constitute exceptional circumstances which would justify the installation of the proposed gate.
10. I note the appellant's argument regarding the light use of the existing walkway which runs through the site, to the north of Jacobson House and their view that the approved new route would be similarly underused due to the robust and established routes nearby such as Wentworth Street and the existing streets in the area. I consider that the existing slightly convoluted and poorly overlooked route contributes to its limited use.
11. The approved scheme relating to application Ref: PA/08/02347, would create a more convenient, direct and well-overlooked walkway with clear sight lines though the site and it provide a more legible and better connected pedestrian route through the site. In my view, the design of that approved scheme provides a good example of how the design and layout of a development could

have a positive impact on an area. It would assist in reducing opportunities for crime and anti-social behaviour by being more open, direct, being overlooked and having clear sight lines. It would also create a more legible route and improve connectivity across the area which would potentially increase its use and improve safety as a result due to increased activity in the area.

12. The proposal would be located adjacent to the boundary of the Wentworth Street Conservation Area (CA). The Council say that it would not enhance the character and setting of the CA. However, the appellant has provided no substantive evidence regarding this matter. Notwithstanding this, in considering its extent, siting, design and wider context, I find that the proposed gate would have a neutral effect on the area and the setting of the CA. As a result, it would not harm the character or appearance of the CA and its setting, and thereby the objective of preserving or enhancing the CA would be met.
13. Having had regard to the above, I conclude that the proposal would have a significant adverse effect on the accessibility and permeability of the local area. I appreciate the concerns of the local residents regarding crime and anti-social behaviour and that there would be some benefit in terms of a safer and more secure site. However, the proposed gate would have the harmful effect of segregating the community, create a barrier to permeability and would prevent public access across the site and the wider area from Goulston Street. Therefore, I find that the benefits of the proposal would not demonstrably outweigh the material harm which I have identified.
14. Consequently, I conclude that the proposed gate would be contrary to Policy DM23(1) of the Managing Development Document 2013. Amongst other matters, this policy seeks to ensure that development is well-connected, improves permeability and legibility and assists in creating an attractive network of streets and spaces which is easily accessible for all people.

Conclusion

15. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR