

---

## Appeal Decision

Site visit made on 1 November 2016

**by David Walker MA MRTPI**

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

**Decision date: 05 December 2016**

---

**Appeal Ref: APP/E5900/W/16/3155669**

**Lancaster Drive, Jamestown Harbour Estate, Tower Hamlets,  
London E14 9PT**

- 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 Mulberry Management Ltd c/o Mountpoint Ltd against the decision of the Council of the London Borough of Tower Hamlets.
  - The application Ref PA/15/02894, dated 26 November 2015, was refused by notice dated 18 February 2016.
  - The development proposed is electrically operated security gates.
- 

### Decision

1. The appeal is allowed and planning permission is granted for electrically operated security gates at Lancaster Drive, Jamestown Harbour Estate, Tower Hamlets, London E14 9PT in accordance with the terms of the application, Ref PA/15/02894, dated 26 November 2015, subject to the following conditions:
    - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
    - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan dated 25/09/2015; Block/Site Plan dated 25/09/2015; Front Elevation dated August 27, 2015; Plan dated August 27, 2015; ISO View (Page No. 3) dated August 27, 2015; ISO View (Page No. 4) dated August 27, 2015; and Telguard Millennium Door Entry System Details.
    - 3) Prior to commencement of the development hereby approved, details of the proposed gates shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the details approved and retained thereafter.
    - 4) Prior to first use the approved gates shall be erected in a way that only allows them to open inwards. The gates shall be retained as such thereafter and not at any time be opened over or across the adjoining footways, carriageways and public rights of way.
    - 5) Prior to first use the gates and railings hereby approved shall be painted black and retained as such thereafter.
-

## **Main Issues**

2. The main issues in the appeal are the effect of the proposal 1) on the character and appearance of the area, and 2) on the safety of pedestrians and drivers using Preston's Road.

## **Reasons**

### *Character and appearance*

3. Lancaster Drive is a modest mid-1980's development of three storey town houses and apartments around a private courtyard. The existing access is unenclosed and set back from Preston's Road over a short stretch of private road with amenity gardens and mature trees adjacent. The security gates would be separate vehicle and pedestrian gates with extended new railings atop the existing boundary walls.
4. Although the proposal would create a sense of enclosure it would not appear unduly so against the backdrop of tall buildings and existing walling of the estate, and foreground trees. There are no streetscene views through the estate towards the waterfront that would be curtailed by the proposal, and as the design of the gates would broadly match that of other railings of the estate, also along Preston's Road, they would not be incongruous. The parties agree there is no public access through the estate, or connection with the Dockside Walkway, and on this basis the enclosure of the private entrance would have no impact on the character of public pathways or on permeability in the locality.
5. I therefore find that the proposal would have a satisfactory effect on the character and appearance of the area. On this basis it would accord with the requirements for good design in development set out at Policy 7.8 of the London Plan 2015 (the LP) and Policies DM12 and DM23 of Tower Hamlets Managing Development Document 2013 (the MDD). To the extent that there is no public access or linkages through the estate I do not find Policies SP04, SP09 and SP12 of the Tower Hamlets Core Strategy 2010 (the CS) referred to in the reasons for refusal applicable to the development.
6. I am also satisfied that with regard to paragraph 137 of the National Planning Policy Framework the setting of the Coldharbour Conservation Area as a heritage asset would be preserved. As a result the proposal would also accord with Policy SP10 of the CS.

### *Highway safety*

7. A traffic survey<sup>1</sup> submitted with the appellant's appeal documents shows low levels of vehicle movements into and out of the estate during an average day. I have nothing else before me to indicate otherwise. While the survey does not include pedestrian movements I am satisfied that the existing vehicle movements are shown to be sufficiently low as not to impede people crossing the entrance.
8. With sufficient length of access to accommodate two waiting cars before the gates, and the low levels of traffic entering the estate, there is unlikely to be

---

<sup>1</sup> Rebuttal Note of Paul Mew Associates Traffic Consultants Ltd, dated 3 June 2016

queuing back onto Preston's Road. Even with the provision of a pedestrian gate the width of the access with the gates installed would allow the passing of two cars.

9. The provision of remote opening devices for residents would further limit the potential for queuing at the gates during peak periods. While these devices would not be available for delivery vehicles there would be scope for drivers to call ahead to be provided with an access code. In any event, with an average of over 10 minutes between vehicles entering the site during peak hours and with 25 seconds opening time the gates are unlikely to result in backing up or queuing on the carriageway.
10. I am therefore satisfied that the proposal would not compromise highway safety interests and on this basis find it would accord with the requirements of Policy 6.3 of the LP and Policy SP09 of the CS. I do not find Policy DM22 of the MDD referred to in the reasons for refusal applicable as it is limited only to parking provision.

### **Conditions**

11. In addition to standard conditions identifying the implementation period and approved plans in the interests of certainty, I have given consideration to the additional conditions suggested by the Council. Given the small scale of the plans provided I find it necessary that the specification of the gates is agreed prior to the commencement of development in order to safeguard the setting of the conservation area, notwithstanding the appellant's submissions to the contrary. For the same reason the gates and railings shall also be painted black. In the interests of enforceability and highway safety I also consider it necessary to condition that the gates shall open inwards only.

### **Conclusion**

12. For the reasons given above, and with regard to the development plan read as a whole, I conclude that the appeal should be allowed subject to conditions.

*David Walker*

INSPECTOR