



Appeal Decision

Site visit made on 8 January 2020

by R Satheesan BSc PGCert MSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/E5900/C/19/3226580

Land at Ground Floor, 64 Glasshouse Fields, London E1W 3AD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Gary Peter Chick on behalf of Ide Contracting Limited against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The enforcement notice was issued on 21 March 2019.
 - The breach of planning control as alleged in the notice is without planning permission: The installation of electric roller shutters and associated housing and support structures on the front elevation of a ground floor commercial unit in a residential building.
 - The requirements of the notice are:
 - 1) Remove the unauthorised electric roller shutters and associated box housing and support structures as shown in Photographs C-H and marked in red on Photograph G in the Appendix to this Notice.
 - 2) Make good any damage to the building caused by compliance with Step 1) above and remove all resultant debris from the Land.
 - The period for compliance with the requirements is six months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is:
 - corrected by removal of the words "in a residential' building" in section 3 of the enforcement notice (the matters which appear to constitute the breach of planning control).
2. Subject to this correction, the appeal is dismissed, and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary Matters

3. The allegation in the Enforcement Notice describes the appeal building as a "residential' building". It is unnecessary to describe the building when describing the act of development, and in any case, this is an incorrect description of the building which has a mixed use. However, the appellant appears to have understood the allegation and, in my opinion, the misdescription does not render the notice unclear. It is necessary however to correct the allegation to remove unnecessary words "in a residential building".

This would not cause injustice and I can therefore use my powers under the provisions of s176(1)(a) to achieve this correction.

4. During the course of this appeal, the London Borough of Tower Hamlets Core Strategy (2010) and Managing Development Document (2013), and policies contained within it, has been replaced with the London Borough of Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits (LP), which was adopted on 15 January 2020. Therefore, this must now be given full weight in the decision making process. The Council has provided copies of the relevant recently adopted LP policies and the appellant has been given the opportunity to respond, and so has not been prejudiced. I have therefore not assessed the development against the policies of the superseded Core Strategy and Managing Development Document.

Ground (a) appeal and the Deemed Planning Application

Main Issue

5. The main issue is the effect of the development upon the character and appearance of the host building and the area.

Character and appearance

6. The appeal site relates to a ground floor commercial unit in a mixed-use building predominantly comprising commercial units at ground floor level with residential above.
7. The roller shutter box and shutters are located on the front of the building facing towards the street, and owing to its prominent position, it forms an obtrusive and incongruous feature in the streetscene which is at odds with the prevailing character of the area.
8. I appreciate the appellant's frustration that there are a small number of other roller shutters in the vicinity of the site and that the subject roller shutters are clean and in good order. I also note that there are high metal railings and timber boarded fences opposite and that the appeal building itself contains louvred doors. However, the existence of these does not justify further harm. Nor do I consider that painting the existing shutter boxes to match the building would overcome this harm as it the design of the solid roller shutters that is particularly discordant, resulting in the lack of an active frontage to the streetscene.
9. I have taken into consideration that the unit was boarded up and vacant for many years, prior to the appellant taking over the unit. However, this does not justify the harm caused, and I note that planning permission¹ has since been approved for a shopfront which does not include the offending roller shutters.
10. I also appreciate that the roller shutters provide additional security to the existing business which has a long history of being based in the area, but this matter does not outweigh the harm to the streetscene, and there is no substantive evidence to demonstrate that the current development would be the only means by which their needs may be reasonably met. In my view there

¹ Council ref: PA/18/03367 approved on 5 March 2019.

are other options of a less harmful nature available should the appellant wish to explore such.

11. I conclude that the development harms the character and appearance of the host building and the area, in conflict with Policies S.DH1 and D.DH2 of the LP and Policies 7.1, 7.4, 7.5 and 7.6 of the London Plan, 2016. Amongst other things these state that development must: be of an appropriate scale, height, mass, bulk and form in its site and context; positively contribute to the public realm through optimising active frontages towards public streets and spaces; and be human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings. Finally, the development would not meet the aims of part 12 of the National Planning Policy Framework, 2019 (Framework), which requires development to be sympathetic to local character and history.
12. The Council have also referred to Policy D.DH9 of LP. However, as this relates to 'shopfronts', it does not specifically relate to the current development for a commercial office unit in a mixed use building. As such I find no conflict with this policy.

Conclusion

13. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with a correction and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

R Satheesan

INSPECTOR