



Appeal Decision

Site Visit made on 27 April 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 14 May 2021

Appeal Ref: APP/E5900/W/20/3259520

North and South Passage, Ironmongers Place, London E14 9YD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant a planning permission under section 73 of the Town and Country Planning Act 1990 as amended for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Westferry Road Management Company Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/20/02040, dated 19 September 2019, was refused by notice dated 16 March 2020.
 - The application sought planning permission for installation of new gates and barriers to a private footpath in private housing development without complying with a condition attached to planning permission Ref: PA/13/01547, dated 10 October 2013.
 - The condition in dispute is No.4 which states that: *The proposed gates must not be locked at any time.*
 - The reason given for the condition is: *In order to ensure the proposed development is accessible to all users.*
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The new London Plan: The Spatial Development Strategy for London, March 2021 (NLP) has been published since the Council's decision. As such, London Plan Policies referred to by the parties which were at 'Intend to Publish' stage at the time of the Council's decision are now part of the development plan and I will determine the appeal on this basis.

Main Issue

3. The main issue in this case is the effect of the proposed development on the quality of the local pedestrian and cycle route network, with particular regard to permeability, community safety and inclusivity.

Reasons

4. The appeal site comprises a walkway within a housing development which dates from docklands area redevelopment in the late twentieth century. The walkway is subject to a Section 106 Agreement which was entered into in 1986. Sets of gates and chicane access barriers were added around a decade ago to calm cyclist and moped movement on the walkway.
5. There are some imperfections on the walkway and some residents' concerns relating to it. The route kinks at its northern end, reducing sight lines on that

part of it. The northernmost stretch appears to be in need of resurfacing to resolve unevenness in the vicinity of trees. There is scope for pruning overhanging shrubs which spill over from adjoining gardens. Furthermore, some local residents report loitering, anti-social behaviour and criminal activity in the walkway. I do not underestimate the strength of these concerns. However, it is not certain that the reduction in crime that took place in and around the subject development during 2018 and 2019 was directly attributable to the locking of gates on the walkway.

6. Furthermore, the walkway is part of an established 'spine' route in the neighbourhood that runs north to south into and through the housing development. Within this context, the walkway forms part of a central pedestrian route within a substantial area of housing. This contributes to a feeling of accessibility and permeability that helps avoid a sense of being overly hemmed in. The proximity of parts of the walkway and the wider central route to housing contributes to natural surveillance of the pedestrian network. Moreover, at the time of my visit, albeit a snapshot in time, the walkway appeared relatively free of graffiti and litter, and has lighting columns. Also, freedom from blockage by locked gates contributes to the availability of a permeable walking network to local residents and their visitors. The above together contributes to a perception of safety.
7. Other routes to Westferry Road are highlighted by the appellant. However, the southern end of the appeal walkway has reasonably clear sight lines around the relatively well-used node of the junction of Spindrift Avenue and the A1206 Westferry Road. Consequently, the appeal walkway is used by locals as a more convenient, direct route to walk in and out of the housing area to access the A1206 corridor, with its bus services, shops, educational, leisure, cultural and religious facilities. A petition seeking retention of the walkway access without locked gates emphasises the convenience of the access.
8. Therefore, notwithstanding the imperfections towards the northern end of the walkway, the above combination of factors contributes to opportunities for healthy exercise through walking and safety by surveillance through the presence of residents walking around the neighbourhood. Moreover, located at this prominent node, the unblocked character of the southern walkway entrance articulates a confident, inclusive and welcoming townscape character, which contributes positively to the character of the neighbourhood.
9. The removal of freedom from blockage by locked gates at the northern and southern ends of the walkway would be detrimental to permeability due to the following. The proposal would block an established high profile, direct route central to the pedestrian movement system through a substantial housing area on the Isle of Dogs. This would conflict with the requirement of Policy D.DH2 of the Tower Hamlets Local Plan 2031 (2020) (LP) for development to contribute to improving connectivity and permeability. It would also conflict with the requirement of Policy S.TR1 of the LP to improve connectivity for pedestrians. Furthermore the proposal would not accord with a) the requirement of criterion D2) of Policy D3 of the NLP for development to facilitate active travel with convenient and inclusive pedestrian routes and b) the requirement in criterion 3) of Policy D5 of the NLP to provide convenient access.
10. Furthermore, as indicated by the Metropolitan Police's consultation response, locking of the gates at the northern and southern ends of the walkway would

reduce use by and visibility of the walkway by residents while retaining some accessibility, including on the ground from Ironmongers Place, and from outside by climbing the gates for some people who may be encouraged by reduced surveillance to undertake anti-social or criminal activity. Also, the proposal would add the risk of pedestrians with access to the walkway from Ironmongers Place being trapped by locked gates at the walkway's northern and southern ends, with associated vulnerability to crime. The above together would reduce natural surveillance and create confined, leftover space, which would be detrimental to community safety and conflict with Policy D.DH2 of the LP.

11. Moreover, the proposed removal of freedom from blockage by locked gates at the ends of the walkway would architecturally articulate a 'gated community' feel in place of the inclusive and welcoming townscape character of the southern entrance of the walkway at this prominent node. In this respect, the proposal would undermine the objective of socially cohesive neighbourhood design in Tower Hamlets. This would conflict with the requirement of Policy D.DH2 of the LP for development to resist the creation of gated communities which do not promote socially inclusive communities. It would also not accord with the requirement of Policy S.DH1 of the LP for development to respect local townscape character. Furthermore, it would conflict with the requirement of criterion 3) of Policy D5 of the NLP for development to provide welcoming access.
12. My attention is drawn to planning permissions and an appeal pertaining to various alterations to footpath entrances. However, these other cases differ from the current appeal proposal in that they are on different sites in Tower Hamlets and beyond and either are not appeals against a planning condition, involve residents' fob-operated access or a combination of the above. This limits the extent to which the other cases are analogous to the appeal proposal. Furthermore, the current appeal proposal has its own setting and circumstances and as such I assess this case on its own merits.
13. In conclusion, the proposal would harm the quality of the local pedestrian network through reduction in permeability and associated townscape quality. Furthermore, the proposal would, through reduced natural surveillance of the walkway and creation of confined leftover space impair community safety. As such, it would conflict with Policies D.DH2, S.DH1, S.TR1 of the LP and Policies D3 and D5 of the NLP.
14. Policy D.DH8 of the LP focusses on protection of living conditions of residents in terms of privacy, outlook, light, odour, noise, fume and dust pollution. The proposal would not harm these living condition aspects and thus it would not conflict with this policy.

Planning Balance and Conclusion

15. The proposal would reduce the number of routes and gathering points for people seeking to engage in anti-social and criminal behaviour in the neighbourhood, albeit this consideration is tempered by the risk of 'legitimate' pedestrians being trapped by locked gates, and the reduction in surveillance of the walkway. Also, there would be a reduction in people's exposure to the uneven surfacing on part of the walkway with associated trip risk, albeit repair of the surfacing has not been ruled out as an alternative remedy. The above together would provide some benefit.

16. Nevertheless, the proposal would result in significant harm to the quality of the local pedestrian network in terms of permeability, associated townscape quality and community safety risk, and the benefits would not outweigh the significant harm identified.
17. The proposal would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, for the reasons given, the appeal fails.

William Cooper

INSPECTOR