



Appeal Decision

Site Visit made on 9 November 2021

by G Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2021

Appeal Ref: APP/E5900/W/21/3279744

Porter's Flat, 1 Telfords Yard, London E1W 2BQ

- 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 Ms Amanda Atkins against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/20/02293, dated 12 October 2020, was refused by notice dated 29 January 2021.
 - The development proposed is removal of existing gate and installation of new full height steel and glass screen, including vehicle and pedestrian gates, within the archway.
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Decision

1. The appeal is allowed and planning permission is granted for Removal of existing gate and installation of new full height steel and glass screen, including vehicle and pedestrian gates, within the archway at Porter's Flat, 1 Telfords Yard, London E1W 2BQ in accordance with the terms of the application, Ref PA/20/02293, dated 12 October 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 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; 1343-011 Rev A; 1343-021 Rev A; 1343-030 Rev A; 1343-111 Rev B; 1343-121 Rev B and 1343-130 Rev B.
 - 3) Prior to the commencement of the development, samples and full particulars of the following parts of the development must be submitted to and approved in writing by the local planning authority.

All External Facing Materials (glazing, steel frames, painted colour samples)

The development shall not be carried out otherwise than in accordance with the details thus approved.

Preliminary Matters

2. In the time since between the Council's determination of the planning application and the start of this appeal, the Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Both main parties have had the opportunity to comment on the revised Framework and I have determined the appeal in light of the revised Framework.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the appeal building.

Reasons

4. The appeal building at Telfords Yard is a late-19th Century industrial wool warehouse converted to residential and office use in the 1980s. Although there is some disagreement between the main parties as to the significance to be attached to the building's status, there is broad agreement that it was one of several warehouses built by 'Gooch and Cousens' along The Highway and Pennington Street.
5. It is also agreed that it carries some significance as the only warehouse on this part of The Highway to have survived intact from bomb damage during World War II. Telfords Yard is not, however, statutorily or locally listed, nor does it lie within any Conservation Area although the nearby warehouses of Pennington Street Warehouse and Tobacco Dock are grade II and I listed, respectively.
6. Although the appeal building has been converted to offices and residential uses, and extended and altered at roof level, its warehouse origins are nevertheless clear. The double height archway entrance from The Highway to the internal courtyard, the cobbled surface, raised pavement and kerbs are together contributors to the building's retained character. The dark, heavily shaded interior to the archway and underpass adds to the somewhat foreboding scale of the building and hints to its, and the area's, past industrial character.
7. The Council are concerned that the proposal would diminish the significance of the arched entrance and underpass in terms of both the building's character and function as a warehouse, and also in terms of the building's contribution to the character of The Highway and surrounding area. The existing arched access is, the Council state, a visible reminder of the building's warehouse origins, recalling times where bales of wool would have been received and dispatched through this entrance to and from locations around the East End of London.
8. The appeal proposal would replace the existing metal-railing double gate with a metal-framed, predominantly glazed screen which would incorporate centrally placed large double doors to retain vehicular access to the underpass. The proposal would also retain the existing entrance layout kerbs and raised pavement on either side of a cobbled surface.
9. The predominantly glazed screen would retain views through the archway and underpass into the building's interior but, more significantly, it would also be heavily recessed within the underpass. It would not, therefore, compete with or significantly erode the visual primacy of the arched entrance from The Highway which would remain a highly visible feature from the surrounding area.
10. Moreover, the depth of the screen's recess within the underpass would maintain the sense of a dark, shadowy opening that characterises the current arrangement. The darker interior of the underpass and the heavily enclosed internal courtyard would be evident and visible through the predominantly

glazed screen and would heavily influence the screen's setting within the archway.

11. Although the metal frame and glazing pattern would create a horizontal split broadly equating to the transition from ground to first floor levels, its recess within the underpass would nevertheless leave the scale and proportions of the opening unaffected. For these reasons, I am satisfied that the proposal would not harm the ability to understand the role and function that the archway entrance and underpass would have played in the building's original role. Together with other vestiges of the building's original function, such as the vertical bays and external cranes and pulleys, the proposal would in my judgement successfully retain the building's original industrial character and appearance.
12. The proposal garnered substantial support from residents of apartments within the Telfords Yard building as a means to provide a more secure entrance to the building. Many cited instances of anti-social behaviour and thefts and concerns regarding traffic noise and pollution from The Highway. Whilst I do not doubt the veracity of these concerns, I find myself agreeing to an extent with the Council's response to this point, in that more robust processes and controls over the operation of the existing metal gates would go some way to alleviating some of these concerns.
13. However, I acknowledge that even those steps would not wholly allay concerns regarding transmission of traffic noise and pollution, the open nature of the existing gates being clearly poorly suited to intercepting such factors. The metal-framed glazed screen would provide a more robust barrier in this respect, but its benefits have only been expressed anecdotally and without evidence to support.
14. Whilst these matters are not determinative in their own right, they do carry limited weight in support of the proposal. The Framework states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. It goes on to state that a balanced judgement will be required having regard to the scale of any harm and the significance of the (non-designated) heritage asset.
15. Tower Hamlets Plan (THP) policy S.DH3 states that proposals must preserve or enhance the borough's designated and non-designated heritages assets in a manner appropriate to their significance. THP policies S.DH1 and D.DH2 set out the Council's approach to delivering high quality design and attractive streets, spaces and public realm. For the reasons set out above, the proposal would have a neutral effect on the character, appearance and significance of Telfords Yard, thereby preserving those measures. There would be no conflict with LP policies S.DH3, S.DH1 or D.DH2 and it would align with the principles set out in the Historic Environment section of the Framework.

Conditions

16. I have considered the Council's suggested conditions in light of the Framework and the Planning Practice Guidance. I agree that time limit and approved plans conditions are necessary and reasonable in the interests of good planning and to provide certainty. A condition regarding the final details of the proposal, such as glazing, steel frames and painted colour samples for the frame, is also reasonable and necessary in the interests of character and appearance. No

further conditions have been suggested, nor have I been presented with any evidence to lead me to a conclusion that more are needed.

Conclusion

17. For the reasons set out above, and having considered all other matters raised, I conclude that the appeal should be allowed.

G Robbie

INSPECTOR