



Appeal Decision

Site visit made on 24 May 2022

by R Sabu BA(Hons), MA, BArch, PgDip, RIBA, ARB

an Inspector appointed by the Secretary of State

Decision date: 17th June 2022

Appeal Ref: APP/E5900/W/21/3288143

City View House, 463 Bethnal Green Road, London E2 9QY

- 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 CVRA Ltd against the decision of London Borough of Tower Hamlets.
 - The application Ref PA/21/00198, dated 28 January 2021, was refused by notice dated 3 June 2021.
 - The development proposed is alterations to the entrance including the upgrade of the entrance door and cladding approved under PA/18/03221 and installation of a flat-roofed canopy.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to the entrance including the upgrade of the entrance door and cladding approved under PA/18/03221 and installation of a flat-roofed canopy at City View House, 463 Bethnal Green Road, London E2 9QY in accordance with the terms of the application, Ref PA/21/00198, dated 28 January 2021, and the plans numbered 129 001 Rev P02, 129 101 Rev P01, 129 102 Rev P02, 129 103 Rev P01 and 129 104 Rev P01.

Application for costs

2. An application for costs was made by CVRA Ltd against the London Borough of Tower Hamlets. This application is the subject of a separate Decision.

Preliminary Matters

3. From my observations during the site visit, the canopy appears to have been installed in line with the submitted drawings. In the interests of certainty, I have nevertheless assessed the appeal on the basis of the submitted drawings.
4. While I note the description of development stated on the application form, I have used the description stated on the decision notice and appeal form in the header and decision above. This is in the interests of clarity.

Main Issues

5. From the evidence the area of dispute between the main parties is in relation to the canopy. Therefore, the main issues are the effect of the canopy on:
 - the character and appearance of the area; and
 - highway and pedestrian safety.

Reasons

Character and appearance

6. The site lies on Bethnal Green Road, a busy highway characterised by properties of varying heights, forms and architectural styles. The ground floor units predominantly consist of commercial units many of which have signage at high level. As such the area has a vibrant and varied character and appearance.
7. The canopy is installed at a similar height as the porch feature and signage at the adjacent property. In addition, there are fixed projecting features such as signage at high level on properties in the wider area. Therefore, while the canopy overhangs the public highway, it has a modest projection that is similar to other fixed features in the area. Given the brass coating of the canopy and its simple form, it appears part of the architecture of the building, rather than as street clutter. As such, the height and projection of the canopy is in harmony with the character of the area.
8. Consequently, the development does not harm the character and appearance of the area. Therefore, it does not conflict with Policy S.DH1 of the Tower Hamlets Local Plan 2031 Adopted January 2020 (THLP) which seeks, among other things, development that is of an appropriate scale, height, mass, bulk and form in its site and context. The canopy would also not conflict with THLP Policies D.DH2 which seeks, among other things, development that contributes positively to the public realm.
9. Since THLP Policy D.DH9 relates to shopfronts, it is not directly relevant to this scheme.

Highway and pedestrian safety

10. The canopy is installed at high level, over 3m above the ground level of the pavement. Moreover, it has a modest projection forward of the main façade of the building. As I observed during my site visit, the canopy is clear by some distance of pedestrians walking along the pavement. As such it is very unlikely that the canopy would obstruct the free flow of common pedestrian or vehicular traffic. Therefore, it would not result in an unacceptable impact on highway safety or a severe residual cumulative impact on the road network.
11. I note the evidence regarding a licence and notice to be served to the landowner. I have necessarily assessed the appeal on its planning merits and these matters have not altered my overall decision.
12. Consequently, the proposed development would not harm highway and pedestrian safety. Therefore, the proposal would not conflict with THLP Policy D.TR2 which seeks mitigation measures for development that would have an adverse effect on the highway network.

Conclusion

13. For the reasons given above the appeal should be allowed.

R.Sabu INSPECTOR