



Appeal Decision

Site visit made on 6 June 2022

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 July 2022

Appeal Ref: APP/E5900/C/21/3287135

102 Burcham Street, LONDON, E14 0SH

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended.
 - The appeal is made by Ms Jan Clark of Notemachine UK Ltd against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 16 November 2021.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of an ATM along the façade of the existing building.
 - The requirements of the notice are to:
 1. Remove the ATM from the front elevation of the building shown as the blue line on the attached plan.
 - The period for compliance with the requirements is 2 months.
 - The appeal is proceeding on the ground 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. The appeal is dismissed, 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.

The appeal on ground (a)

2. The appeal on ground (a) seeks planning permission for the retention of the automatic teller machine (ATM) as installed at its current location. From the evidence before me, the main issue is whether the development would increase opportunities for crime and anti-social behaviour in the local area.
3. The appeal site is located on Burcham Street, a relatively quiet thoroughfare in a predominantly residential area to the immediate south of Langdon Park School. The ATM is installed within the shopfront of a local convenience store that is set back from the highway, behind a bus stop and has a large pedestrian forecourt to its front.
4. The site would enjoy a degree of natural surveillance gained from windows overlooking the site from residential properties within Glenkerry House, and more infrequently from users of the adjacent bus stop and convenience store. However, the ATM is located towards the end of the shopfront with a blind corner adjacent to its immediate left and which has very limited natural surveillance. Here a potential assailant would be able to conceal themselves from view, leaving users of the ATM vulnerable to acts of crime and anti-social behaviour.

5. The appellant has provided some limited crime statistics for the area based on data from the Police UK Crime Map. Further data and analysis have been provided by the Metropolitan Police and which indicate that the area suffers from higher than average rates of crime, and that this is a major issue for local residents. It is therefore likely that the presence of the ATM, adjacent to a blind corner, increases the opportunity for crime and anti-social behaviour to occur, and to the detriment of the safety and wellbeing of local residents.
6. Whilst I appreciate that CCTV cameras are present within the vicinity of the site, I have no evidence of the extent to which these cameras specifically cover the ATM or the adjacent blind corner, or indeed the quality of any captured images, or whether this system is under the control of the appellant. Moreover, I have no evidence of the effectiveness of these measures in deterring crime or anti-social behaviour at this location, despite the appellant claiming there have been no related incidents. I acknowledge that the ATM is alarmed and fitted with other security measures that would protect it from instances of vandalism, theft, or tampering, but these measures are not designed to protect legitimate users of the facility.
7. Mirrors are incorporated into the design of the ATM and would allow a user to see if anyone was standing behind them while using the facility. However, this would not overcome the fact that the facility is located adjacent to a blind corner. The area does benefit from external street lighting and I note that the appellant is willing to install a privacy zone and pin shield. Nevertheless, given the generally high levels of crime in the area, and the concerns I have found with the specific location of the installation, these measures would not provide a sufficient deterrent for potential crime or anti-social behaviour.
8. For these reasons, the development has the potential to increase opportunities for crime and anti-social behaviour in the local area. Therefore, it is contrary to Policies D.DH2 and D.DH8 of the Tower Hamlets Local Plan 2031, adopted January 2020, which, among other things, seek to achieve attractive streets, spaces and public realm with natural surveillance that designs out concealment points. It would also conflict with Policy D3 of The London Plan 2021 which seeks to achieve safe, secure and inclusive environments.

Other matters

9. I acknowledge that the ATM provides a convenient and free service to the local community. This would have been particularly useful throughout the Covid-19 pandemic when public movement was restricted. However, this benefit does not outweigh the harm I have found in this case.
10. The site falls within the Balfron Tower Conservation Area and forms part of the setting of Glenkerry House, a Grade II listed building. Therefore, s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 compels me to have special regard to the desirability of preserving the building, or its setting or any features of special architectural or historic interest it possesses. s72(1) of the Act also requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
11. Dating from 1972, Glenkerry House is a high-rise residential tower block designed by internationally renowned architect Ernő Goldfinger, a major exponent of the European Modern Movement in 20th century Britain. The building's significance is drawn principally from its unique architectural form

and as a key component of the surrounding planned 20th century social housing scheme, much of which remains evident today. The Balfron Tower Conservation Area is characterised by the low and high-rise council flats of the Brownfield Estate, with Balfron Tower dominating this landmark development. The area is representative of the post-war aspirations for good quality public housing, thereby strongly expressing the social idealism of the time.

12. The proposed ATM is of such a limited scale that it would make no appreciable effect on either the setting of the listed building, or the character or appearance of the conservation area. Consequently, the setting of the listed building would be preserved and so too would the character and appearance of the Balfron Tower Conservation Area. However, these are neutral factors that weigh neither in favour of, nor against, the appeal.

Conclusion

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

J M Tweddle

INSPECTOR