



Appeal Decision

Site visit made on 18 May 2023

by John D Allan BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 June 2023

Appeal Ref: APP/E5900/D/23/3317186

12 Thermopylae Gate, Tower Hamlets, London, E14 3AX

- 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 Mr Oliver Cash against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/22/02379, dated 8 November 2022, was refused by notice dated 10 January 2023.
 - The development proposed is the erection of a garden wall to front garden.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The application was made retrospectively and at the time of my visit the wall was constructed and complete.

Main Issue

3. The main issue is the effect of the wall on the character and appearance of the area, including the Chapel House Conservation Area.

Reasons

4. The appeal property is an end of terrace dwelling within a 'Garden City' style residential estate that forms part of the Chapel House Conservation Area (CA). There is a cohesion to the area derived from the consistent traditional design and detailing of the buildings, including the common use of materials, and generally low boundary enclosed shallow front gardens. The appeal property is a typical example of the residences in this part of the CA.
5. The original front boundary wall and railings to the appeal property has been replaced with a slightly taller wall and brick piers that measure over 1m in height. In terms of size, the wall spans an equivalent length to the original and retains a reasonably low profile that, in my view, does not appear out of scale within its setting. The front garden of the property remains open to sight from the adjoining footpath and surroundings such that I was unable to detect any degree of enclosure that was uncharacteristic for the area.
6. Notwithstanding, I share the Council's view that the wall appears incongruous. The use of a mismatched smooth red brick stands out in stark contrast to the original rustic yellow stock brick that otherwise prevails throughout the area.

The eye is drawn by the uncharacteristic colour and serves to highlight the wall as a feature that is out of keeping within the street scene and harmful to its overall character and appearance. It follows that the character and appearance of the CA has not been preserved.

7. The appellant has argued that the fabric and identity of the original boundary enclosures in the area has been comprehensibly lost creating, in their words, a blank and visually distressing context. This paints a picture that I did not recognise during my visit. I saw that many original front walled enclosures were absent along Thermopylae Gate. However, there remained clear distinctions between the public and private realms along the back edges of the pavements, and despite the variety of enclosures, or absence of any in some cases, there was a harmony amongst the mix within a generally muted street scene, with little intrusion that I found to be visually disruptive. That is not reflective of my findings for No 12 for the reason amplified above.
8. The harm arising to the significance of the CA in this instance is less than substantial. However, this does not equate to a less than substantial objection and any harm to a designated heritage asset requires clear and convincing justification in line with paragraph 200 of the National Planning Policy Framework (the Framework). Furthermore, in line with the Framework's paragraph 202, such harm should be weighed against the public benefits of a proposal.
9. Given the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, I attach significant weight to the harm that I have identified.
10. I recognise and understand the appellant's desire to create a safe space for their family. However, the wall as constructed does not represent the only means to achieve this. Moreover, this argument carries little weight in terms of any public benefit.
11. Overall, I find the wall to be visually harmful to the street scene as a result of the materials used and that as a consequence it neither preserves nor enhances the character and appearance of the Chapel House CA. As such there is conflict with Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2030 (2020) and Policy HC1 of The London Plan 2021 as far as they seek to secure development which avoids harm and displays high quality design that responds to local context, including heritage assets.
12. Accordingly, and having regard to all other matters raised, the appeal is dismissed.

John D Allan

INSPECTOR