



Appeal Decision

Site visit made on 15 May 2024

By Victor Callister BA(Hons) PGC(Oxon) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th June 2024

Appeal Ref: APP/E5900/D/24/3338337

336 Bancroft Road, Tower Hamlets, London E1 4BU

- 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 Land Marchant Property Ltd, against the decision of The London Borough of Tower Hamlets Council.
 - The application Ref PA/23/01374, dated 17 July 2023, was refused by notice dated 17 November 2023.
 - The development proposed is the installation of 3 air conditioning units on the front elevation and 2 air conditioning units on the rear elevation. The relocation and installation of acoustic screening to the 3 air conditioning units to the front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Subsequent to the decision made by the Council on the application to which this appeal relates, the National Planning Policy Framework has been revised. I have therefore made my decision with regard to the National Planning Policy Framework (December 2023) (the Framework).
3. As the description varies between documents submitted, I have used the description from the Council's decision notice as this is a full and accurate description that has been used by the appellant in their appeal submission.
4. In relation to the air conditioning units installed on the rear elevation of the appeal dwelling, the planning application is retrospective, and I have considered the appeal accordingly.

Main Issue

5. The main issue is the effect on the character and appearance of the host dwelling and that of the streetscene of the local area.

Reasons

6. The appeal dwelling is a simply designed late 20th century 3 storey town house, that forms part of a terrace of similar properties. It is positioned directly adjacent to the footway with an integral garage to the front, with a small garden to the rear. The wider local area appears to be predominantly residential

in nature, although the appeal dwelling faces onto the Mile end Hospital, which is located on the other side of the street.

7. It is proposed that the 3 air conditioning units, currently vertically positioned on the front elevation of the appeal dwelling, between the first and second floors, close to the party wall with 334 Bancroft Road, which do not appear to have the benefit of planning permission, would be re-positioned to sit underneath the first floor windows. It is proposed that an acoustic enclosure would be positioned over the relocated air conditioning units, which would be visually screened with the addition of artificial planting/greenery.
8. From my site visit, it was evident that no other air conditioning units are attached to the front or rear of other houses in the terrace of which the appeal dwelling forms part. There were however examples of a small number of plant pot/window box holders on the front of houses in the terrace. Whilst there are a number of air-conditioning units within the area of the nearby hospital, these appear to be set back away from the street.
9. The proposed acoustic enclosure would potentially reduce the noise from the 3 air conditioning units to the front of the appeal dwelling, the acoustic performance of which could be the subject of a suitably worded condition. However, due to the scale and box like form of the proposed acoustic enclosure with artificial planting/greenery visual screening, it would appear as an incongruous addition to the appeal dwelling and the terrace of which it forms part.
10. Similarly, the two unscreened air conditioning units to the rear appear as intrusive and incongruous additions to the rear of the appeal dwelling, where their mechanical appearance conflicts with the residential appearance of the appeal dwelling and the terrace of which it forms part.
11. Due to the positioning on the upper floors of the appeal dwelling, the proposed screened air conditioning units to the front and the existing air conditioning units to the rear would be/are readily apparent in street and wider views and their effect on the appearance of the appeal dwelling and terrace would/do appear as intrusive within the streetscape of the local area.
12. The appellant has set out in broad terms the benefits of air conditioning to the existing occupiers of the appeal dwelling. However, there is no detail before me that would lead me to conclude that the installation of the air conditioning units in the manner that is the subject of this appeal is the only way that this could be achieved.
13. For the reasons given above, I find that the proposed relocated air conditioning units with enclosure and screening to the front and retained air conditioning units to the rear would be/are contrary to S.DH1 of the Tower Hamlets Local Plan 2031 (2020), Policy D3 of the London Plan (2021) and Paragraph 135 of the Framework. These seek to ensure that development is of a high standard of design and integrates with the local area.
14. The Council's decision notice sets out that the proposal would be contrary to policy D4 of the London Plan (2021). I have not come to this same conclusion, as policy D4 relates to design management procedures and policy guidance for London planning authorities.

15. The Council's decision notice sets out that the proposal/development would be contrary to Policies D1 and D4 of the London Plan (2021). I have not come to this same conclusion, as Policies D1 and D4 relate to design management procedures and policy guidance for London planning authorities.

Planning Balance and Conclusion

16. I find that the benefits of the proposed/retained development do not outweigh the harm that I have identified. Accordingly, the dismissal of the appeal is a proportionate response in this instance.
17. The appeal is dismissed.

Victor Callister

INSPECTOR