



Appeal Decision

Site visit made on 25 June 2025

by **E Griffin LLB Hons**

an Inspector appointed by the Secretary of State

Decision date: 30th June 2025

Appeal Ref: APP/E5900/C/23/3332798

11 Cardale Street, London, E14 3LN

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
- The appeal is made by Sabrina Tang against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
- The notice was issued on 12 October 2023.
- The breach of planning control as alleged in the notice is 'Without planning permission, the unauthorised installation of 5 air conditioning units to the roof of the property shown in the approximate location outlined in red on the attached plan in Appendix 1'
- The requirements of the notice are
 - 1) Remove the 5 air conditioning units from the roof of the property shown in photograph 2A of Appendix 2
 - 2) Remove the piping from the flank elevation facing East Ferry Road of the property, shown in photograph 2A of Appendix 2.
- 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.

Decision

1. It is directed that the enforcement notice is corrected by deletion of the allegation in full and replacing it with 'Without planning permission, the unauthorised installation of 5 air conditioning units to the roof and piping to the side of the property'.
2. Subject to the correction, 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 Notice

3. It is the duty of the Inspector to put the notice in order irrespective of the grounds of appeal. The requirements should flow from the allegation. The allegation refers to the installation of air conditioning units but does not refer to the associated piping. The requirements refer to the removal of the air conditioning units and the piping.
4. The appellant has asked for planning permission for the piping as well as the air conditioning units in her appeal form. The piping connects to the air conditioning units and has no function without them. Amending the allegation to match the requirements would therefore not cause injustice when the appellant has understood that the piping is included in the notice. I will amend the allegation to

‘Without planning permission, the unauthorised installation of 5 air conditioning units to the roof and piping to the side of the property’.

The appeal under ground (a) and the Deemed Planning Application (the DPA)

5. Under ground (a) the application for planning permission derives from the allegation which refers to the air conditioning units and the piping in its existing location.

Main Issue

6. The main issue is the effect of the development upon the character and appearance of the surrounding area.

Reasons

7. The appeal property is a two storey end of terrace located on a residential street. The property is typical of other terraced housing both in Cardale Street and surrounding streets which are located between East Ferry Road and Plevna Street. The properties largely have dark roofs, brown brick walls, similar window styles and most have porches. The roofs along Cardale Street are generally uncluttered although some properties have skylights and chimneys. These features combine to give the street a strong sense of rhythm, uniformity and cohesion which makes a positive contribution to the character and appearance of the surrounding area.
8. The appeal property has been extended at the rear with a red brick dormer. The roof at the front is red and also has skylights but nevertheless the appeal property still contributes to the character of the area. As the appeal property is at the end of the terrace, it has a flank wall which faces onto East Ferry Road. The development consists of 5 air conditioning units located on top of the flat roof to the dormer with associated white plastic piping to cover cabling for the units. The piping can be seen at the top of the flank wall as a group of 4 pipes which run down to eaves level where the piping separates out into single lines.
9. The white plastic piping is particularly prominent against the dark brown bricks of the flank wall. The appearance of the wall with the piping is in contrast to the other flank walls at the end of terraces that face onto East Ferry Road which are largely uncluttered apart from the occasional utility meter. The air conditioning units are visually prominent from a number of public vantage points. The view from East Ferry Road looking towards the flank wall of the development is of all of the piping and 3 of the air conditioning units. There are views of all 5 units when approaching the front of the appeal property from East Ferry Road. There are also views of at least 3 of the units in rear views including from Plevna Street.
10. Due to their size, positioning and industrial appearance, the air conditioning units are incongruous and discordant additions to the roof which create excessive clutter. The piping adds to the sense of incongruity and discordant due its prominent location and appearance on a previously blank wall. As a result, the development is not in keeping with the character of the surrounding area.
11. The appellant in her appeal form has referred to a planning application detailing the reasons for an alternative location for the development. The planning application has not been provided by the appellant but the Council refused to grant planning permission for 5 air conditioning units at ground floor level on 10 August 2023.

Under this enforcement appeal, I am not reviewing the previous planning refusal. I can only consider whether it is appropriate to grant planning permission for the development being enforced against in its current location.

12. The appellant has referred to physical and financial problems of installing piping inside the appeal property. However, in the absence of any further details, it is not clear if the appellant is referring to not being able to install internal piping for the 5 units in their existing location. However, retaining the units in their location even if there was internal piping that would not resolve the visual prominence of the units. Whether or not internal piping is viable or necessary elsewhere depends upon the location and I am not assessing alternative locations as part of this appeal.
13. For the reasons given, I find that the development does adversely harm the character and appearance of the surrounding area. It is therefore in conflict with Policy S.DH1 of the Tower Hamlets Local Plan 2031 'Delivering high quality design' which, amongst other things, seeks to ensure that development is of an appropriate scale, height, mass and bulk and form in its site and context. There are no considerations before me that outweigh the conflict that I have identified with the development plan.

Conclusion

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

E Griffin

INSPECTOR