



Appeal Decision

Site visit made on 15 September 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6th October 2025

Appeal Ref: APP/E5900/W/25/3369136

Gatekeepers Cottage, Copenhagen Place, London E14 7DE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Greg Brydie - Pall Mall Estates against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01653.
 - The development proposed is refurbishment of existing office (E(c)) (Gatekeepers Cottage) restore front parapet and reinstate windows and chimneys; rear extension at ground, new dormers at first and second roof levels, bike and bin store.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Brickfield Gardens Conservation Area (CA). In reaching my decision, I have been mindful of my statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
3. The Council indicate that the lawful use of Gatekeepers Cottage has not been established. The application form indicates the proposed use of the building to be in Use Class E commercial, business and service use¹. I have determined the appeal on this basis.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Brickfield Gardens Conservation Area (CA); and
 - the effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to privacy and outlook.

¹ Town and Country Planning (Use Classes) Order 1987 (as amended).

Reasons

Character and appearance

Site Context

5. The CA designation encompasses remnants of the mid-Victorian streetscape which survived the war and areas of open space, some of which were created following post-war clearance including the extended area of Brickfield Gardens and the southern part of Mile End Park. The CA is a mixed-use area bounded by St Paul's Way to the north, Burdett Road to the east and Southwater Close to the south. Based on my observations and the evidence before me, including the Brickfield Gardens Conservation Area Character Appraisal (2009) (the Appraisal), the special interest of the CA derives both from its surviving historic fabric and the planned nature of post-war redevelopment. Notable buildings include the remaining residential terraces, the former disinfectant factory historically associated with a prosperous company in the area (the Pixley Street Factory) and the Prince Alfred public house. These buildings, remaining streets and open spaces surrounding the urban fabric contribute to the significance and special interest of the CA as a whole.
6. The appeal site comprises the former Pixley Street Factory complex, primarily constructed from London stock brick. This includes a prominent part three and part four storey former factory building (the Factory) located at the corner of Pixley Street and Copenhagen Place. Within the complex is Gatekeepers Cottage (the Cottage), a two-storey building originally built as a caretaker's residence associated with the Factory. The Cottage is linked to the side of the Factory by a short section of wall along the site frontage.
7. The Cottage is currently vacant and in a deteriorated condition. The upper section of the front façade including a parapet wall has collapsed, and internal rebuilding is required. Nevertheless, the form and associated architectural and historic qualities of the remaining structure are evident. The Appraisal identifies features of architectural interest including a Venetian style window, red brick lintels and a steeply pitched roof with remnants of tall chimneys. These elements are appreciable from both public and private vantage points, including from Copenhagen Place, Brickfield Gardens and neighbouring gardens and windows. I saw on my site visit that the rear elevation of the Cottage contains also contains some notable features, including a large brick arch. In these respects, the complex positively contributes to the character and appearance of the locality.

Effect of the proposed development

8. The appellant seeks to refurbish and extend the Cottage acknowledging the concerns raised in the Appraisal regarding its dilapidated condition and recognising its restoration as an opportunity. While the intention to restore the front and side façades is commendable, the proposal also involves significant interventions to the original form of the building, including raising the roof and extensions to its rear, including a flat-roofed dormer and a terrace at first and second floor level.
9. Although the additions would be set slightly in from the building's sides, they would nonetheless dominate the rear of the Cottage, introducing a boxy and horizontal emphasis that contrasts with the original proportions of the built form. This effect would be intensified by the use of contrasting modern materials, particularly steel cladding, which would stand out against the traditional London stock brickwork of

both the Cottage and the adjacent Factory. In addition, the large window and door openings proposed would contrast with the more modest proportions of the original building, while the proposed balustrades and screen would contribute to a visually cluttered appearance. Taken together, these elements would result in a visually intrusive and unsympathetic response that detracts from the original shape and character of the Cottage. This harm to the Cottage would be fairly substantial in terms of the building itself.

10. While the wider visual effects of these extensions and alterations would be somewhat localised due to their rearward position, the proposed dormer and terrace would still be visible in glimpsed views from Copenhagen Place, and appreciable from neighbouring windows. Furthermore, whilst there may be other existing detracting elements in the locality such as telecommunications equipment, this does not justify the harm identified. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the CA as a whole.
11. It follows that the proposed development would fail to accord with the statutory duty under s72(1) of the Act and there would be harm to the significance of the CA as a designated heritage asset. Given the scale and nature of the proposal, the degree of harm to the significance of the CA would be at a mid-level of less than substantial harm.

Enabling development

12. Paragraph 221 of the National Planning Policy Framework (the Framework) requires the assessment of the benefits of a proposal for enabling development, which would otherwise conflict with planning policies but which would secure the future conservation of a heritage asset, and whether this would outweigh the disbenefits of departing from those policies.
13. Bringing the building back into use and restoring the original aspects of its front and side façade, including the reinstatement parapet, windows and chimneys, could help better reveal the significance of the Cottage and its contribution to the CA in line with Paragraph 209 of the Framework.
14. The appellants Development Viability Analysis (2025) indicates that the additional floorspace and alterations to the rear of the Cottage are necessary to reduce a significant conservation deficit. In the absence of any substantive evidence to the contrary, there is no reason to doubt that the development as proposed would lead to a conservation deficit.
15. However, no substantive marketing evidence has been provided to demonstrate that alternative uses or schemes requiring less intervention have been explored, in line with standard advice from Historic England². Furthermore, it has not been shown that the appeal proposal is the only development option for the site, or that a less harmful design would be even less viable. The holistic restoration of the wider factory complex, confirmed to be in the appellants ownership, could also help address the conservation deficit. As such, it has not been demonstrated that reasonable efforts have been made to explore less harmful alternatives. Consequently, the enabling case put forward would not justify the harmful nature of the substantial rear alterations and additions that would fail to respond sensitively to the proportions, form

² Historic England Enabling Development and Heritage Assets, Historic Environment Good Practice Advice in Planning Note 4 (2020).

and materials of the Cottage and the significance of the CA. It would not be appropriate or acceptable enabling development for these reasons.

Public Benefits

16. Paragraph 215 of the Framework states that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
17. Without timely and significant investment, the Cottage is at risk of further deterioration, which would conflict with the aims of the Appraisal. The appeal proposal would prevent this from happening and is a clear benefit of the scheme. Even so, I am not satisfied that the proposal is justified as enabling development. While the scheme may offer some benefits in terms of better revealing the significance of parts of the Cottage and enhancing its contribution to the CA, these benefits are not sufficient to outweigh the disbenefits of the proposal, including the level of harm arising from the proposed extensions and alterations to the rear.
18. The proposal would also deliver public benefits through the enlargement and refurbishment of the Cottage for commercial use, in an area well served by public transport. The appellant contends that the proposed extensions and alterations are necessary to meet modern building regulations, including insulation standards and appropriate floor-to-ceiling heights. The proposed development would generate construction employment and once in use, could secure up to 15 employees, contributing to the local economy through increased spending and potentially acting as a catalyst for further improvements in the area.
19. Taken as a whole, the public benefits of the proposed development attract a moderate degree of weight.

Heritage Balance

20. The Framework is clear that great weight should be given to the conservation of designated heritage assets. In this case, the moderate degree of weight to the public benefits would not outweigh the mid-level of less than substantial harm identified, which should be afforded great weight. The proposal would therefore conflict with the historic environment protection policies of the Framework.
21. I conclude that the proposed development would not preserve or enhance the character or appearance of the CA. In this regard, it would be contrary to Policy HC1 of the London Plan (2021) and Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 (2020) (LP) which require development proposals affecting heritage assets to conserve their significance by being sympathetic to the assets' significance and appreciation within their surroundings, to ensure architectural language complements and enhances its immediate setting; and requires significant weight to be given to the protection and enhancement of conservation areas.

Living conditions

22. The adjacent Factory contains a mix of commercial and residential units (located within No 12 and 14 Pixley Street). Whilst the appellant has not confirmed the use of the rooms that these windows serve, the evidence before me indicates that the windows facing towards the Cottage are primarily in residential use. The outlook from many of these windows is already partly compromised due to the close relationship and limited separation distance between the Cottage and the Factory. Nevertheless,

the proposed extensions to the Cottage would bring the appeal building even closer to these existing windows.

23. The appellant's Daylight and Sunlight Report indicates that the proposed development would result in some loss of light to existing windows at No 12 and a secondary window at No 14, contrary to the Building Research Establishment (BRE) recommendations³. However, there appears to be no dispute between the main parties that, subject to mitigation measures, including the use of transparent balustrades, the proposal would not result in a material loss of light to these windows.
24. Even so, the proposed extension combined with the additional height created by the balustrade and the privacy screen at first floor level would still result in an enclosing impact on some of the windows in No 12. Furthermore, direct views from users of proposed terrace above the balustrade and from the large rear-facing windows of the Cottage, towards habitable room windows at No 14, would still be achievable. Whilst such overlooking is likely to be intermittent and primarily during working hours dependant on the nature of the proposed business operating from the premises, a degree of privacy loss would be inevitable. Overall, the proposal would be likely to result in a material and undue loss in outlook and/or privacy for occupiers of residential units within No 12 and 14.
25. I conclude that the proposed development would have an unacceptable effect on the living conditions of neighbouring occupiers with particular regard to privacy and outlook. In this regard it would be contrary to Policy D.DH8 of the LP which requires development to protect and where possible enhance or increase the extent of the amenity of new and existing buildings and their occupants by avoiding an unreasonable level of overlooking or an unacceptable increase in the sense of enclosure.

Other Matter

26. The Council has identified no other harm including in relation to highways or the provision of cycle parking or bin stores. However, these considerations do not provide a reason to allow the appeal given the harm identified under the main issues.

Conclusion

27. The appeal proposal is intended to renovate the building and bring it back into use. However, the nature of the alterations and additions would be such that the result would be harmful to the character and appearance of the CA and the level of harm would not be outweighed by the benefits. In addition, the proposal would unacceptably harm the living conditions of some adjacent occupiers.
28. Taken together this harm would be such that the proposal would conflict with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR

³ Set out in 'Site Layout Planning for Daylight and Sunlight: a guide to good practice, 3rd Edition' by PJ Littlefair 2022.