



Appeal Decision

Site visit made on 19 December 2025

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th December 2025

Appeal Ref: APP/E5900/W/25/3368056

Wombats London Ltd, 7 Dock Street, London E1 8JN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by JMS Estates (IOM) Ltd against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/25/00212
 - The application sought planning permission for *replacement of existing single-glazed windows of different frame materials with proposed double glazed timber frame and triple glazed aluminium frame windows* without complying with a condition attached to planning permission PA/24/00806 dated 27 August 2024.
 - The condition in dispute is No 2 which states that: *The development shall be carried out in accordance with the approved drawings listed in the schedule to this decision notice.*
 - The reason given for the condition is: *For the avoidance of doubt and in the interests of proper planning.*
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government is currently in the process of consulting on proposed amendments to the National Planning Policy Framework (the 'Framework'). The draft revised Framework could be subject to significant amendments following the conclusion of the consultation and therefore it has little weight in my assessment of the current appeal. Instead, the extant version of the Framework has been considered.

Background and Procedural Matters

3. Planning permission was granted in August 2024 for replacement windows at the appeal property. This permission is subject to Condition 2, which requires the proposal to be undertaken in accordance with the drawings listed on the decision notice. Replacement oriel windows had originally been proposed for the 2nd-5th floors of the Dock Street elevation. However, the scheme was amended to remove them in lieu of flat windows set behind reveals. The details relating to oriel windows on the approved plans are either crossed out or struck through.
4. The appellant is seeking planning permission for replacement windows with a different suite of drawings to that previously approved. The new suite of drawings would include oriel windows to the 2nd-5th floors of the Dock Street elevation as originally proposed. The drawings before me have different reference numbers to those previously approved, but they still show the oriel window details crossed out

or struck through. Nevertheless, I have considered the proposal on the basis that the intention is for these details not to be crossed out or struck through.

5. The proposed floor plans suggest that the windows would create small extensions to the relevant rooms. The description of development does not directly refer to any extension of the building. However, the parties have treated the proposed oriel windows as a replacement windows rather than extensions of the building. Therefore, on balance, there does not appear to be an inconsistency between the operative part of the description of development and the proposal. There is a minor discrepancy in the plans as Elevation AA does not detail either the fascia or the structural build up above the windows. These details are shown on the cross section and detailed elevations though and therefore I have considered them.

Main Issues

6. Considering the foregoing, the main issues in this appeal are:
 - The effect of the proposed development on the significance of the Wilton Music Hall Conservation Area; and
 - The effect of the proposed development on the significance of the Former St Paul's Church¹ and St Paul's Vicarage², both grade II listed buildings, through development within their setting.

Reasons

The effect on the significance of the conservation area

7. The appeal site is in the very small Wilton Music Hall Conservation Area (CA), which is focussed on Graces Alley and the Music Hall. Graces Alley is the best-preserved original entrance into Wellclose Square. This Square has retained its original 18th Century plan, but its townscape is much diminished. However, Graces Alley provides a semblance of the earlier 18th Century layout.
8. Ensign Street, Cable Street and Dock Street form three sides of a perimeter block that is the other notable feature in the CA. Only the northern section of the perimeter block is in the CA. The newer buildings at the northern end of Ensign Street are of little architectural merit but there is an interesting collection of historic buildings which front onto Cable Street and then return into Dock Street up to the listed former Church. They generally have narrow frontages and similar heights and detailing. Sash windows set behind reveals, or later replacements in the same openings, are a harmonising feature, as is the general rhythm to the placement of the fenestration. The building on the junction of Cable Street and Dock Street curves to respond to the corner. This group of buildings complements the 18/19th Century layout and character of the CA.
9. The CA has historic and evidential³ value as a surviving remnant of an earlier townscape. There is also some architectural and aesthetic value as the historic collection of buildings in the perimeter block, taken with Graces Alley, provide a pleasant townscape, albeit one diminished by later infilling. These values are the 'significance' of the CA. The Conservation Area Appraisal⁴ (CAA) seeks to

¹ Listed as The Nursery, St Pauls Church, Dock Street, E1 8JN

² Listed as No 11 (St Paul's Vicarage), and area railings at No 11

³ Sometimes referred to as 'archaeological' value

⁴ Wilton Music Hall Conservation Area Character Appraisal and Management Guidelines

- conserve this significance. It explains that the reason for designating the area is to protect the remaining townscape, street pattern and the buildings within it.
10. The section of the appeal building facing Dock Street is a 1950s infill. It replaced a striking 19th Century building. It is of a similar scale to that which it replaced but it lacks the architectural quality of its predecessor. The appellant reasonably describes it as plain and featureless. As such, it disrupts the continuity of the 18/19th Century architecture of the section of the perimeter block that is within the CA, especially the segment facing Dock Street and Cable Street. In this respect, it does not respond to the architectural significance of the CA. The width of the building and lack of modulation is especially jarring. However, it is set at the back edge of the pavement, has an active edge along the lower floors in keeping with other buildings to the north, is finished in part in a stock brick and the window placement is simple and symmetrical. The windows are also set behind reveals. These latter points reduce the extent to which it is a detractor in the townscape of the CA. The building also has historic and communal interest as its use as a hostel provides continuity with the Sailor's Home built in the 1830s.
 11. In essence, the appeal scheme is seeking the replacement of the windows in the Dock Street elevation with oriel windows. These windows would project out from the elevation of the building by around 0.58m. Projecting windows are not a feature of the 18/19th Century remnants of the townscape or the appeal building. Indeed, rather than adding interest the projecting windows would be quite jarring with the overriding use of flat windows elsewhere in the CA. The proposed change would therefore draw more attention to the appeal building as a detracting feature of the CA. The proposed windows would also have bulky top hung lights in the side elevations which would be an unsightly feature in the street scene. Overall, the aesthetic value of the CA would be diminished and thus harmed.
 12. The appellant has pointed to recent development on the opposite side of the street to the appeal site as justification for the appeal scheme. These buildings do not really respond to the 18/19th Century townscape of the CA. In particular, the tall tower opposite has an unbalanced window placement and modern cladding. It does not exhibit the same quality as the 'new London architecture' found on the corner of Vaughan Way. Nevertheless, the buildings opposite the appeal site are located outside of the CA and consequently they are not subject to the statutory duty in s72(1) of the Planning and Listed Buildings Act 1990. It is also unclear in what context these buildings were approved and thus what balance was struck between their effect and other planning matters. As such, my finding above is unchanged by the presence of tall modern development opposite the appeal site.

The effect on the significance of the listed buildings

13. St Paul's Vicarage is a fine example of an early 19th Century dwelling. It has an elegant and polite but restrained appearance with the local stock brick broken up with a single band. The Stucco cornice and architraves add additional quality. The sash windows, imposing door and railings afford the building a grand appearance. As such, the building has a high level of architectural and aesthetic value. The ability to experience these values within the local townscape is important to its significance, as the building was probably designed to be seen and admired. Views up and down Dock Street and from Flank Street are particularly important. The setting of the building therefore contributes to its significance.

14. The appeal building is located directly to the north of the listed building. Its comparative scale detracts from the ability to experience the quality of the more diminutive listed building. However, the appeal building is set slightly back from the front elevation of the vicarage, and the brick finish, simple window placement and use of reveals provide some harmony. This lessens the extent to which it is a detracting feature in the setting of the listed building.
15. The insertion of projecting oriel windows to the Dock Street elevation would diminish the sense of harmony between the listed building and the appeal building. This would result in the latter having a greater detracting impact upon the ability to experience the former's value and significance. Indeed, the oriel windows would be a jarring and harmful feature within views of the listed building.
16. The Former St Paul's Church was built in the mid-1840s in the early English style. The stone dressings, western tower and spire combine to create a striking architectural statement. This was likely deliberate to reflect the buildings importance as a Seamen's Church. Indeed, the foundation stone was laid by the Prince Consort. It is possible that the building, with its spire, was once the tallest and most prominent structure in the street. The Church has architectural, historic and communal value and significance. Like with the Vicarage, the street scene setting of the building is important to how its heritage values are experienced and appreciated.
17. Again, the strident projecting oriel windows would draw attention away from the former Church and towards the appeal building. This would harm the way the grandeur and fine quality of the church is appreciated in views along Dock Street. It is possible to experience and appreciate both listed buildings when looking up and down Dock Street without the tall modern development opposite being a detracting feature. The tower blocks further to the south and north have a looming presence in the backdrop of views towards the former Church, but this does not justify the harm that would be caused by the appeal scheme in near distant views.

Heritage Balance

18. Although the proposal has been designed by architects, it would nevertheless result in less than substantial harm to the CA and the setting of two listed buildings. The level of harm would sit somewhere between limited and moderate within this 'spectrum'. The Framework states that any less than substantial harm should be weighed against the public benefits of the scheme.
19. In calibrating this balance, the Framework states that designated heritage assets are an irreplaceable resource that should be conserved for existing and future generations and that great weight should be given to an asset's conservation⁵. This is synonymous with the considerable importance and weight that must be given to the relevant statutory duties⁶ relating to conservation areas and listed buildings. It is not an instruction to dismiss a proposal that would harm the significance of a designated heritage asset, but it nevertheless provides a strong presumption in favour of preservation. Preservation in this context is to do no harm.
20. The appeal scheme would result in modern double and triple glazed windows being installed at the building in lieu of the existing single glazed windows. This would

⁵ Conservation in this context means sustaining, and thus not harming, an assets significance.

⁶ See Sections 66(1) and 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990.

result in some energy savings. However, permission already exists to replace the windows in a less harmful way than what is now proposed. This benefit could therefore be secured whilst avoiding the harm I have identified. The relevant rooms would also be made slightly larger and perhaps more desirable and comfortable. However, the evidence before me does not demonstrate this increase in functionality is a benefit of more than limited weight. There would also be a limited benefit to the economy as the new windows would need to be made and installed.

21. Overall, the benefits would not be of sufficient force to outweigh the harm I have identified. Consequently, in conclusion, the proposal would harm the significance of the CA. Its character and appearance would not be preserved. The public benefits of the proposal would not outweigh the harm. The alterations proposed to the approved plans would therefore be at odds with Policies S.SG2, S.DH1, D.DH2 and S.DH3 of the Tower Hamlets Local Plan 2031: Managing Growth and Sharing Benefits, and Policies D3 and HC1 of the London Plan. These policies seek to secure high quality design and developments which enhance the local context and conserve the historic environment.

Conclusion

22. The proposed development with the new suite of drawings detailing oriel windows would be contrary to the development plan and there are no other considerations which outweigh this finding. Accordingly, the appeal is dismissed.

Graham Chamberlain
INSPECTOR