



Appeal Decisions

Site visit made on 7 January 2026

by **L Douglas BSc (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 04th February 2026

Appeal A Ref: APP/E5900/C/24/3356426

9 Viaduct Place, London E2 0DY

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended) (the Act) by Mr J Lyster of Hermitage Property Group Ltd against an enforcement notice issued by the Council of the London Borough of Tower Hamlets.
 - The notice was issued on 24 October 2024.
 - The breach of planning control as alleged in the notice is Without planning permission, the erection of a two-storey roof extension including external terrace.
 - The requirements of the notice are: 1. Remove the two-storey roof extension from the building shown in photograph 3 in Appendix 2; 2. Make good any damage arising from compliance with step 1 and remove all debris from the Premises.
 - The period for compliance with the requirements is four months from the date the notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(f) and (g) of the Act.
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Appeal B Ref: APP/E5900/W/25/3359145

9 Viaduct Place, London E2 0DY

- The appeal is made under section 78 of the Act against a refusal to grant planning permission.
 - The appeal is made by Mr Jody Lyster of Hermitage Property Group against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/24/01923.
 - The development proposed is 'Two storey roof extension with external terrace, façade alterations and internal reconfiguration of pre-existing unit to provide a 4b6p unit (alternate scheme)'.
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Decisions

1. In Appeal A it is directed that the enforcement notice is varied by the addition of the text 'OR 3. Carry out the necessary alterations to the two-storey roof extension and external terrace to ensure the development accords fully with planning permission reference PA/22/00279 dated 9 September 2022, including all conditions attached to that planning permission, and remove all resulting debris from the land.' immediately after Step 2 at section 5 (*what you are required to do*) of the enforcement notice, and by the substitution of nine months as the period for compliance. Subject to the variations, the enforcement notice is upheld.
2. In Appeal B, the appeal is dismissed.

Appeal A

Ground (f)

3. For Appeal A to succeed under ground (f) the appellant needs to show that the steps required to be taken by the notice exceed what is necessary to remedy the breach of planning control or, as the case may be, to remedy any injury to amenity which has been caused by the breach.

4. The notice essentially requires the land to be restored to its condition before the breach took place. The purpose of the notice is therefore to remedy the breach, rather than any injury to amenity, and it is necessary for me to consider whether this could be achieved by any lesser steps with less cost or disruption.
5. Planning permission reference PA/22/00279 (the 2022 PP) authorised development described as ‘Erection of a roof extension with terrace, involving internal reconfiguration of the existing unit, to provide a remodelled 2b3p unit’. The information before me suggests the 2022 PP may have been implemented, but the development was not completed in accordance with the planning permission. The Council has not suggested otherwise and there is nothing before me to indicate that the approved development is incapable of being completed in accordance with the 2022 PP. The development approved by the 2022 PP may therefore comprise a fallback position, and rather than demolish the entirety of the two-storey roof extension and external terrace, it may be possible for the appellant to only demolish part, and carry out alterations consistent with the 2022 PP. This would be an alternative option to remedy the breach if the 2022 PP has been implemented.
6. I shall therefore vary the requirements to include the option of altering the development, to ensure compliance with the 2022 PP. If the 2022 PP has not been implemented, or it is not otherwise possible for the 2022 PP to be complied with, Steps 1 and 2 of the notice will remain the alternative option for compliance.
7. The appeal under ground (f) therefore succeeds.

Ground (g)

8. For Appeal A to succeed under this ground, the appellant needs to show that four months falls short of what should reasonably be allowed for the notice to be complied with. The appellant requests that nine months are allowed.
9. The site is an occupied residential property, and it is claimed that the tenant will need to be evicted before compliance works commence. It is likely that the current occupier will need to vacate the site before significant compliance works begin. With this in mind, a period of nine months to comply with the notice would not be unreasonable, and I shall vary the compliance period accordingly.
10. The appeal under ground (g) therefore succeeds.

Conclusion on Appeal A

11. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the breach of planning control and the period for compliance with the notice falls short of what is reasonable. I shall vary the enforcement notice prior to upholding it. The appeal on grounds (f) and (g) succeeds to that extent.

Appeal B

Main Issues

12. The main issues are the effect of the development on the character and appearance of the area and the living conditions of occupiers of 414 Bethnal Green Road (No.414), with particular regard to daylight, sunlight and outlook.

Reasons

Character and appearance

13. Planning permission is sought in Appeal B for the two-storey roof extension with external terrace which has been constructed, subject to amendments. Those amendments include: a reduction in height, demolition of walls enclosing the fourth floor terrace and replacement with railings, slate cladding to the third and fourth floors, and changes to front elevation fenestration at third and fourth floors.
14. The site is a five-storey building within a terrace of buildings of mixed designs, which otherwise range from single to four storeys in height. The terrace faces onto Weavers Fields, although long views to and from the south are largely restricted by tree cover. The surrounding area is residential in character, accompanied by vibrant commercial uses along Bethnal Green Road to the rear of the site. There is a broad range of building styles locally, including five-storey Victorian/Edwardian terraces to the east, a modern five-storey block of flats on Viaduct Street to the west, and much taller buildings further afield.
15. While the extension creates a tall building of a contemporary design which could, in isolation, be considered high-quality, it does not sit comfortably within the Viaduct Place terrace. It is not seen or experienced in isolation, and it is a stark and odd feature within the terrace on account of its height, scale, and the expanse of brickwork on its side elevations. The proposed alterations, particularly the overall reduction in height, removal of brickwork, and the addition of slate cladding would go some way towards softening its visual impact, but the development would remain uncharacteristically jarring in views along the terrace and from the south on account of its height and scale.
16. The presence of other developments of similar or exceeding height in the local area contribute to the mixed character and appearance of the area, but they do not demonstrate that a building of such height and scale in this particular location would be sympathetic to its immediate surroundings. Furthermore, even if any of the other tall buildings in the locality are not subservient to the scale of development along Bethnal Green Road, this would not justify the harm I have identified in this instance, as every planning application must be considered on its merits.
17. I have been referred to 'emerging development' which is said to have been approved immediately to the west of the site, at 408-412 Bethnal Green Road (Nos.408-412). I have been provided with limited information in this regard, and there is little to suggest such development has commenced, or whether it is likely to be completed any time soon, if at all. On the information provided, it has not been shown how the two-storey roof extension and external terrace with proposed amendments would assimilate with other buildings on Viaduct Place in the future. Moreover, notwithstanding any possible future development at the western end of the terrace, the two-storey roof extension with external terrace would continue to tower over and dominate buildings within the terrace to the east, to the detriment of the character and appearance of the area.
18. The development would therefore remain unduly prominent and incongruous with the proposed alterations, causing harm to the character and appearance of the area. The level of harm caused after the proposed amendments have been carried out would be moderate, but this would remain in conflict with Policy S.DH1 of the

Tower Hamlets Local Plan 2031 (2020) (THLP) and Policies D3 and D4 of the London Plan (2021) (LP). These require, amongst other things, development to follow a design-led approach and to comprise high-quality architecture and good urban design which responds positively to its context, and to be of an appropriate scale and height within its site.

Living conditions

19. A Daylight and Sunlight Impact Assessment Report (DSR) and a Shadowing Study have been provided. The DSR concludes that the majority of the assessed windows at adjacent properties pass the relevant Building Research Establishment (BRE) criteria, with the exception of four windows which are predicted to experience a reduction in vertical sky component level beyond that recommended by the BRE guidance. The Shadowing Study is said to show a small increase in shadowing.
20. The Shadowing Study is presented with little supporting text, but it does not reflect the existing arrangement of No.414, immediately to the rear, as seen during my site visit. Furthermore, the DSR does not assess the effect of the development on windows at No.414 because it did not consider them relevant. It is unclear why the DSR did not think residential windows at No.414 would be relevant, but the fact that No.414 is owned by the appellant does not mean the effect of the development on occupiers of that building should not be fully considered.
21. Looking out of rear facing windows at third and fourth floor levels during my site visit, I could clearly see that the entirety of rear facing windows at No.414 were within the shadow cast by the development, including the top floor glazed bi-fold doors, and the balcony they serve. Another window at a neighbouring property to the west was also within that shadow.
22. This does not demonstrate neighbouring residents would inevitably experience an unacceptable loss of daylight or sunlight. I also appreciate that this was a moment in time on a January morning, when the sun would have been particularly low, and that the permitted scheme may have had a similar effect on some windows to lower floor levels. However, there is very little evidence to show that the development – either existing or as proposed – would not have an unacceptable effect on the living conditions of residents of No.414 in respect of daylight and/or sunlight compared to that approved by the 2022 PP.
23. In addition, there is very little separation space between the development and No.414. Although they are under the same ownership and within a densely populated urban area, it is clear that the top floor of the development significantly reduces the outlook which would otherwise be available from rear facing windows and the top floor balcony at No.414. Despite No.414 being within the appellant's ownership, there is little before me to show that the habitable rooms of that property may not be unacceptably affected by the development.
24. The overall bulk of the development at this height and proximity to neighbouring buildings, even when reduced by the proposed alterations, creates an imposing and enclosing feature which causes unacceptable harm to the living conditions of occupants of No.414 due to their loss of outlook, compared to the effect of the development approved by the 2022 PP.

25. The site is located within a densely populated urban area. However, even in this context there is no convincing evidence to suggest that the effect of the development, as existing or proposed, on the living conditions of neighbouring residents in respect of daylight, sunlight and outlook is anything other than unacceptably harmful. Furthermore, similar harm would not be associated with the development approved by the 2022 PP on account of the significant differences in height and scale.
26. There are differences between how No.414 is shown on plans provided and what I saw during my site visit. To clarify, my reasoning above explains why I find the development, as existing and proposed, to be unacceptably harmful to the living conditions of occupants of that neighbouring building as shown on plans provided and as seen during my site visit.
27. The development therefore causes unacceptable harm to the living conditions of neighbouring residents, contrary to Policy D.DH8 of the THLP and Policy D3 of the LP. These require, amongst other things, development to protect the amenity of existing buildings and their occupants, which can be achieved through ensuring there is no unacceptable deterioration of the sunlight and daylight conditions of surrounding development, and that habitable rooms have an acceptable outlook.

Other matters

28. I have been referred to the National Planning Policy Framework (the Framework) and proposed revisions to the Framework which were published as part of a consultation exercise in December 2025. I assign minimal weight to the proposed revisions to the Framework, not least because they do not form adopted policy, but also because they are subject to change and may not come into effect. I have found the development as existing and proposed harms the character and appearance of the area and the living conditions of neighbouring residents, which would conflict with the broad aims of the Framework to deliver sustainable development. Although the development is in an urban area where there may be a greater capacity for higher density developments, this does not convince me that the development would be an efficient use of land, considering its adverse effects.
29. The owner and various occupants of Nos. 408-412 and No.414 have written in support of the development. I note the positive comments made by those people in respect of the development and the appellant's actions. However, together with any support weighing in favour of the development provided by the Framework, these do not outweigh the conflict I have identified with the development plan.

Conclusion on Appeal B

30. The development as it currently exists, and as it would be amended by the proposed alterations, conflicts with the development plan as a whole and there are no other considerations, including the Framework, which indicate planning permission should be granted. For the above reasons, I conclude that the appeal should be dismissed.

L Douglas

INSPECTOR