



Appeal Decision

Site visit made on 5 March 2026

by H Whitfield BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2026

Appeal Ref: APP/E5900/W/25/3376681

Flat 2, 349A Commercial Road, Tower Hamlets, London E1 2PS

- 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 Cohen against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/25/00919.
 - The development proposed is described as “The proposal seeks permission for the creation of a modest roof terrace at the second-floor level at the rear of the three-storey mixed-use property. To facilitate the roof terrace, the existing butterfly roof to the rear will be partially converted to a flat roof terrace. Replace the existing window with a door.”
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Decision

1. The appeal is allowed and planning permission is granted for the creation of a roof terrace at second-floor on the rear elevation including the replacement of an existing window with a door at Flat 2, 349A Commercial Road, Tower Hamlets, London E1 2PS in accordance with the terms of the application, Ref PA/25/00919, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with drawing nos PL01 ‘Existing Location Plan’ and PL02 ‘Existing & Proposed Plans & Elevations’.
 - 3) Prior to the installation of the glazed balustrade and privacy screens, details of the design, specification, finish and fixing of the balustrading and privacy screens shall be submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the approved details with the balustrading and privacy screens installed prior to first use and retained thereafter.

Preliminary Matters

2. For the avoidance of doubt, I have simplified the description of development in my formal decision above, omitting superfluous details that do not relate to an act of development.
3. The appeal site lies within the Commercial Road Conservation Area (the CA). Therefore, in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) I have been mindful of my statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

Main Issue

4. The main issue in this appeal is the effect of the proposed development on the character and appearance of the appeal building and the significance of the Commercial Road Conservation Area.

Reasons

5. The appeal site comprises a three-storey mid-terraced building located on the northern side of Commercial Road, within the CA. The CA is relatively small and contains surviving remnants of Victorian townscape on both sides of Commercial Road within an area that was subject to significant post-war rebuilding. This includes the terraced row of which the appeal site is a part, which forms part of a more traditional group of buildings that line the high street. Insofar as is relevant to this appeal, the significance of the CA therefore derives from its historic and architectural townscape interest, which reflects the evolution of the area.
6. The terraced row, which includes the appeal site, has commercial shop fronts at ground level and residential uses above. Some rebuilding has taken place on the sites flanking the terraced row, resulting in overlays of building forms and styles contained within the structure of the existing buildings themselves. This, along with other alterations, has somewhat detracted from the appearance of the terrace. However, the appeal site is within the section of the terrace which retains its overall terraced form which provides a degree of townscape coherence from the Victorian age. As such, as part of a surviving terraced row, the appeal site makes a positive contribution to the character and appearance of the CA and its significance.
7. While the front elevation of the terraced row has retained some architectural consistency, the rear elevation has experienced a greater degree of alteration. During my site visit, I observed the rear of the terraced row has been extended and altered with contrasting roof pitches, material finishes and architectural details, including raised terraces. Despite intervening trees, the rear elevation of the terraced row is visible from the parking court and blocks of flats to the north, and this results in a more varied character and appearance.
8. The appeal scheme proposes a second-floor roof terrace. Due to its elevated nature, the roof terrace would be visible from surrounding buildings and land. However, it would be relatively modest in scale and enclosed by a light-weight glass balustrade. While part of the butterfly roof form of the two-storey outrigger would be partially altered to a flat roof, the balustrade has been designed to fit around the existing roof shape. Subject to appropriate detailing to ensure the balustrade has a lightweight glazed finish, as shown on the submitted plans, the overall roof form of this outrigger would be largely uninterrupted. This could be ensured by a suitably worded condition.
9. Privacy glazing is proposed to the sides of the roof terrace. However, subject to appropriate detailing, this would be similarly light weight, and as the roof terrace would not project for a significant depth, it would not add any significant bulk or clutter to the property, even when viewed in combination with the existing roof terrace at first floor. The alteration of the second-floor window to a plain glazed door to access the terrace would not be harmful in the context of the rear elevation of the terraced row either, given it already contains windows of varying styles and materials.
10. I note there are limited examples of roof terraces within the terraced row. However, an absence of similar developments does not automatically equate to harm. In this case,

the development has been well-designed as a discrete addition that would respect the proportions and form of the appeal building. Views of the development would be achievable from the public realm and when looking towards the CA. However, these would be within the context of a rear elevation that already has a degree of variation and of a development that has been designed to be relatively discrete. As such, the development would not be incongruous or visually intrusive and would not alter the overall terraced form and townscape qualities of the building.

11. Directly adjacent to the appeal building is the Synagogue of the Congregation of Jacob which the Council states is a non-designated heritage asset (NDHA) due to its cultural history and distinctive glazed rear roof form. The Council does not consider the appeal scheme would result in harm to the significance of the NDHA and based on the evidence before me and considering my conclusions above, I see no reason to take a different view.
12. For the above reasons, I therefore conclude the proposed development would not harm the significance of the Commercial Road Conservation Area, the character and appearance of the CA and the appeal building would therefore be preserved. This complies with Policies S.DH1 and S.DH3 of the Tower Hamlets Local Plan 2031 insofar as they seek to deliver high-quality design which respects and positively responds to its context and preserves the Borough's heritage assets in a manner appropriate to their significance.

Other Matters

13. In addition to the matters addressed above, interested parties have raised concerns relating to the potential effects of the development on the adjacent Synagogue, including the ability to practice freedom of religion or belief. I have therefore had due regard to Article 9 of the Human Rights Act 1998 and the Public Sector Equality Duty (PSED) under the Equality Act 2010. Religion or belief is a relevant protected characteristics to which the PSED applies. These rights are engaged in reaching my decision which includes having due regard to the need to eliminate discrimination, advance equality of opportunity, and foster good relations between persons who share a relevant protected characteristic and persons who do not. However, they are qualified rights, and interference may be justified where in the public interest. The concept of proportionality is key.
14. As set out above, the roof terrace would be relatively modest and privacy glazing would enclose the sides up to a height of 1.8m. This would limit the level of activity and potential for noise or disturbance from the terrace and prevent any direct overlooking into the glazed roof of the Synagogue. The rear balustrade would be of a lower height and plain glazed; however, due to a combination of the shallow depth of the terrace and its relationship with the rear of the Synagogue, this would not result in any greater overlooking into the Synagogue's courtyard than views from existing first and second floor windows. Moreover, the use of lightweight glazing to enclose the terrace would ensure there would be no loss of light to the adjacent building either.
15. I appreciate the severity of the concerns raised in relation to the safety and security of the Synagogue and its congregants. However, the roof terrace would only be accessible to occupiers of the existing flat and would utilise an existing roof structure and openings within the building. There is no substantive evidence before me that the appeal scheme would result in a greater potential for access to

the Synagogue roof than the existing situation, or that it would impede emergency exits from the building.

16. Whilst acknowledging the concerns raised by interested parties, these are not matters in dispute between the main parties and based on the information before me and my conclusions above, I see no reason to reach a different view from the Council with regards to these issues. Consequently, the impacts of the proposed development on the adjacent Synagogue are deemed acceptable. It is therefore proportionate in the circumstances to allow the appeal when considering the well-established and legitimate planning purposes of national and local planning policies.

Conditions

17. I have considered the planning conditions suggested by the Council against the tests in the Framework and the Planning Practice Guidance. Where necessary, I have adjusted the wording of the conditions to improve precision and enforceability.
18. I have imposed conditions specifying the period for commencement and requiring the development to be carried out in accordance with the approved plans in the interest of planning certainty. A condition is also imposed requiring the submission of a detailed specification for the glass balustrading and privacy screens, in the interest of preserving the privacy of users of the adjoining buildings and the character and appearance of the area.

Conclusion

19. For the reasons set out above, and having regard to all other matters raised, the proposal is considered to accord with the development plan, when read as a whole. Material considerations do not indicate a decision should be taken other than in accordance with the development plan. Accordingly, the appeal should be allowed.

H Whitfield

INSPECTOR