



Appeal Decision

Site visit made on 24 November 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 14 December 2017

Appeal Ref: APP/C5690/W/17/3172665
368 Baring Road, London SE12 0DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr A Thomas against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/13/084670, dated 20 August 2013, was refused by notice dated 10 October 2016.
 - The development proposed is described as 'the redevelopment of an existing car park and land to the rear of the locally listed Baring Hall Hotel to provide: one three storey construction affronting Downham Way providing three commercial units (A1/A2/A3 use) and 7no. self contained dwellings (4no. two beds, and 3 no. one beds); and a two storey construction to the North of the site providing one commercial unit (A1/A2/A3/D1) and 2no. self contained dwellings (1no. one bed and 1no. two bed) together with associated site landscaping. Works will involve the demolition of existing outhouse storage structures associated with the public house, the demolition of a side extension on the North flank of the original pub as well as the partial demolition and new frontage to the existing side extension affronting Downham Way'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are as follows:
 - The effect of the proposal on the character and appearance of the surrounding area, including any effect on the Baring Hall Hotel, a locally listed building;
 - Whether the proposal would provide reasonable living conditions for the future inhabitants of Unit 1, in terms of outlook and daylight.

Reasons

3. Grove Park is a fairly substantial local centre, based around the train station and the junction of Baring Road and Downham Way opposite the station. There is a range of small to medium shops around the junction. The area is bustling and has an industrious character with a wide range of architectural styles and ages of buildings in evidence.
4. The Baring Hall Hotel is located on the north side of the aforementioned road junction, with its eastern elevation directly facing the train station, and its

southern side bordering the pavement of Downham Way. The building extends along the street frontage, with a car park at the rear.

5. The Hotel, which is locally listed, is a large attractive building. Its prominent location ensures it features in various views from both along Baring Road and Downham Way. The hotel was designed by Ernest Newton in his early career in an arts and crafts fashion. In January 2011 English Heritage (now Historic England) declined to list the building but described it as significant as a landmark and as a handsome piece of street architecture. The building was locally listed by the Council in September 2011. There is a fairly lengthy planning history to the site, including a previous appeal which sought to demolish the hotel. The main building was vacant for a significant period of time following a fire in 2009, but at the time of my visit was in use at the ground floor level.
6. The primarily red brick structure has a noticeable hipped roof. A rendered 3 storey projecting bay faces Baring Road and two dormers are set in the roofline, which also has various red brick chimney stacks which stand out in the street scene. From views higher up Downham Way the chimneys, varying roofscape and two gables are noticeable and provide variety and interest to the street scene. To the rear of the building, and accessed by Downham Way lies the car park of the property. This is bordered by a red brick wall with railings on top. At the time of my visit the car park was partially in use for the storage of old vehicles and a commercial fish van.
7. The building forms the focal point of the neighbourhood architecturally and is significantly taller than much of the surrounding development. I agree with the appellant's Design and Access statement, which considers that the Hotel in both scale and architectural quality is the most significant building in the area, with its landmark quality enhanced by its prominent corner position, and that it is designed to be viewed 'in the round'.
8. Paragraph 135 of the National Planning Policy Framework (the Framework) requires the effect of a proposal on the significance of a non-designated heritage asset (including locally listed buildings) to be taken into account, with a balanced judgement to be made having regard to the scale of any harm or loss and the significance of the heritage asset. Planning Practice Guidance confirms that non designated heritage assets are identified as having a degree of significance meriting consideration in planning decisions.
9. Policies 15 and 16 of the Core Strategy¹ together state that the Council will apply policy to ensure highest quality design and ensure that the value and significance of the borough's locally listed buildings and their settings will be enhanced and conserved according to the requirements of national, regional and local policy. Policies DM30 and DM37 of the Local Plan² state that the Council will require all development proposals to attain a high standard of design, will protect the distinctiveness of the borough by sustaining and enhancing the significance of non-designated heritage assets, will seek to retain and enhance local listed buildings and protect their character, significance and contribution made by their settings.

¹ Lewisham local development framework Core Strategy Development Plan Document, June 2011

² Lewisham local development framework Development Management Local Plan, November 2014

10. The proposal, which has gone through several iterations, seeks the redevelopment of the car park land, along with the demolition of existing structures to the side and rear of the building. This would allow for the construction of a 3 storey development fronting Downham Way, which would include commercial uses at ground floor level and residential accommodation above. On the Baring Road frontage a single storey development would be built to butt up to the side of the existing commercial units.
11. At present I do not consider that the car park either detracts or enhances the setting of the Hotel. While somewhat untidy in parts from close up views, the boundary wall shields much of this from many views and the space provided by the car park allows the rear elevation of the Hotel to remain visually prominent from the higher ends of Downham Way.
12. The proposed development on the Downham Way frontage is set back to allow a building line similar to that of No 589 Downham Way, an attractive red brick building. This property has a distinctive large catslide roof from its high roof ridge on the front elevation, with this roof interrupted by a large 2 storey gable frontage. From the front the design of the proposed units would feature 3 gable features of their own, with set-back dormers adjacent. A gap would be present between the new build and the newly exposed rear elevation of the pub.
13. However, while this building line would be staggered to match No 589 to the north, with each unit progressively sited closer to the road to move towards the roadside siting of the Hotel, from views further up Downham Way this would have the effect of masking much of the north elevation of the Hotel. From such views the siting, scale and mass of the substantial 3 storey hipped roof form, along with prominent flat roof section, would largely remove views of the north western gable of the Hotel and substantially affect views of the attractive smaller gablet in the middle of the Hotel. The stepped design of the building line would also draw the eye away from the prominence of the Hotel and its corner setting. This would have an adverse effect on the setting, and therefore the significance of the Hotel. Such an effect on the Hotel would compromise the ability to view the Hotel in the round, leading to a wider adverse effect on the character and appearance of the area.
14. Furthermore, and while noting the appellant's point that the provision of bin stores within the scheme is a minor matter, the proposed bin store in the south west corner of the site would also conflict with views from the west when approaching the Hotel. While I consider that the other proposed bin stores which are sited well within the scheme could be conditioned to ensure that no harmful effect arose, these units would be sited in a prominent position and would add to the harm caused by the scheme to the character and appearance of the area.
15. I note the appellant's evidence demonstrating the wide variety of shop units and streetscape in the area and their views over the merits of some development opposite. However, in some respects this fact lends more prominence to the Baring Hall Hotel as a landmark building and fine piece of street architecture.
16. I therefore conclude that the proposal would have an adverse effect on the character and appearance of the surrounding area, primarily leading from its adverse effect on the Baring Hall Hotel, a locally listed building. The proposal

would be contrary to Policies 15 and 16 of the Core Strategy, as well as policies DM30 and DM37 of the Local Plan.

Living Conditions

17. Unit 1 of the scheme would be located at the rear of the site, in the north west corner. This dwelling would be 2 storeys high with a hipped and flat roof and prominent central front dormer facing into the site. The unit would have a reasonably sized front garden/private amenity area and would be located away from the main road.
18. However, the south side of the unit would share a wall with the rear of the 3 storey block proposed for the Downham Way frontage, which would extend above the southern wall and roof line of the unit and to a significant distance to the east. Given the siting of the windows, I share the Council's concern over levels of daylight reaching the property and the indirect effect of this on the outlook of the property. The extent and mass of the 3 storey proposal to the immediate south, as well as inevitable boundary treatment very close to the unit on the north side would restrict levels of daylight reaching the ground floor windows, leading to a claustrophobic living experience, despite the private garden and size of the windows/doors proposed. When in the main garden the mass and proximity of the adjacent 3 storey development would also appear dominating.
19. I therefore conclude that the proposal would not provide reasonable living conditions for the future inhabitants of Unit 1, in terms of outlook and daylight. This would be contrary to DM policy 32 of the Local Plan, which states that the Council expects all new residential development to provide a satisfactory level of outlook and natural lighting for its future residents.

Other Matters

20. The Hotel is a designated Asset of Community Value. I am led to understand that the designation states that this includes the main building, stable block and curtilage of the Hotel. Such recognition provides a means for communities to identify buildings which they believe to be of importance to their community's well-being, with the aim that if the asset comes up for sale that they will be given a fair chance to buy the building on the open market. It does not place restrictions on what an owner can do with their property, but may form a consideration in planning decisions.
21. While the proposal would involve construction upon the car park of the property, and noting evidence concerning previous uses of the car parking area, a reasonably large element of public frontage would be retained by the scheme, and I understand that this and land to the rear could be utilised for community uses, such as farmers markets. Furthermore, the pub under the scheme would be retained, enabling it to remain of importance for the community's well being.

Conclusions

22. Evidence is submitted regarding the viability of the pub, and I understand that the pub is not operating profitably. I can appreciate that the scheme is intended to raise money to finance refurbishment of the pub, thereby hopefully improving its viability. An audit of necessary works is included within the evidence but details of costs and profits from the scheme are not. At my site

visit the pub was operating from the ground floor, and seemed to present a pleasant atmosphere.

23. I can appreciate that given the size of the building and the effects of the previous fire that significant works may be required to bring the building in its entirety up to modern day standards, and I do not doubt the veracity or the intentions of the appellant. The proposal would also generate economic and social benefits in providing new homes to the area, as well as the proposed commercial units. However, it seems to me that it would be entirely possible to propose a scheme that could generate similar benefits for the business and the viability of the pub without causing the same level of harm. Accordingly, I consider that, when considering the provisions of paragraph 135 of the Framework that the adverse effect of the proposal on the significance of the non-designated heritage asset would not be outweighed by the benefits of the scheme.
24. To summarise, I consider the proposed development would harm the setting and the significance of the locally listed building, and would fail to protect the distinctiveness of the borough. Furthermore the scheme would not provide reasonable living conditions for the future inhabitants of Unit 1. The scheme would be contrary to the development plan and to the Framework.
25. For the reasons given above, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR