

Appeal Decisions

Site visit made on 11 January 2021

by Patrick Whelan BA(Hons) Dip Arch MA MSc ARB RIBA RTPI

an Inspector appointed by the Secretary of State

Decision date: 9 March 2021

Appeal A Ref: APP/A5840/H/20/3260749

37 Shad Thames, London SE1 2NJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Chapeau Tower Bridge Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/1339, dated 28 April 2020, was refused by notice dated 12 August 2020.
 - The advertisement proposed is the erection of 1 x replacement awning above the entrance on Shad Thames.
-

Appeal B Ref: APP/A5840/Y/20/3260759

37 Shad Thames, London SE1 2NJ

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Chapeau Tower Bridge Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 20/AP/1212, dated 28 April 2020, was refused by notice dated 14 August 2020.
 - The works proposed are the erection of 1 x replacement awning above the entrance on Shad Thames.
-

Decisions

Appeal A Ref: APP/A5840/H/20/3260749

1. The appeal is dismissed.

Appeal B Ref: APP/A5840/Y/20/3260759

2. The appeal is dismissed.

Preliminary Matters

3. While I visited the appeal site before the Council's statement was received, I have taken its contents, as well as the final comments of the appellant, fully into account in reaching my decisions.
 4. While I acknowledge that the Council no longer considers that express consent is required, as the appeal follows an application for express consent, I have determined it on that basis.
 5. As the proposal concerns a listed building in a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
-

Main Issues

6. While I have determined each appeal on its own merits, in the interests of conciseness and clarity, I have dealt with the appeals together in my reasoning. The main issues in the appeals are:
7. Appeal A: This is an appeal against the refusal of advertisement consent. The Regulations and the National Planning Policy Framework (the Framework) require that decisions are made only in the interests of amenity and public safety. No concerns have been raised with regard to public safety, and I have no reason to disagree with this view. Therefore, the main issue for appeal A is the effect of the proposal on visual amenity.
8. Appeal B: This is an appeal against the refusal of listed building consent. The main issue for appeal B is whether the proposal would preserve the grade II listed building whose statutory address is recorded as 59 Lafone Street, Eagle Wharf, Shad Thames, and any of the features of special architectural or historic interest that it possesses.

Reasons

The significance of the listed building and the Tower Bridge Conservation CA

9. Described in the listing as an important element in the warehouse canyon group along Shad Thames, the building retains historic significance from its construction in 1874 after a growth in free trade which led to the addition of more floors by 1883. It reflects a time of intense industrial and economic activity following the commissioning of Tower Bridge and the construction of the railway terminus at London Bridge; it is an important part of the historic and architectural significance of the CA.
10. The striking regularity and geometric simplicity of its architecture demonstrates the principles of structural equilibrium which have governed its form and arrangement. For instance, the limited number of short-span window openings supported by triple header segmental arches, and the high solid: void ratios of the thick, external walls, which transfer some of the loads on the floors down to the ground.
11. The muscular construction of the building is complemented by its masculine detailing. For instance, the durable finish of blue engineering bricks at cart level; the robust, bullnosed bricks in the reveals of some of the openings; and the radiused quoin under a high corbel, to reduce the wear from the unpredictable passage of fully laden carts in the busy, narrow streets. In the canyon-like proportion of Shad Thames, the building's size and solidity has an edifice-like, static character, animated by the regularity and depth of the array of openings, and by the hatch ranks and the swivel hoists which have a more transient and dynamic quality to their design.
12. Together with the other listed warehouses, the Cardamom building and Butlers Wharf, the almost continuous and impenetrable enclosure of the walls of these buildings and their subdued, masonry character directs the focus at ground level to the space between the buildings, and at higher levels to the flying gangways connecting those other warehouses across the street, and to the jibs between them, poised in anticipatory repose.

The effect on the listed building (section 20)

13. The siting and projection of the awning beyond the massive wall of the building, characterised by its repetitive, deep openings, would detract from their bearing in the elevation, particularly in acute-angled views along the street. The extent and coverage of the projection would compete with the less prominent, projecting swivel hoists in the same elevation, diminishing their historic and architectural significance. The comparative flimsiness of a lightweight awning would appear at odds with the stouter, more enduring architectural language of the building.
14. I have taken into account the other fixtures on the wall of the building, including downpipes, overflow pipes, conduits, and cameras, but they do not have the impact of this proposal. I acknowledge the effort to restrain the typeface of the advertisement, the neutral tone of the material, and the simplicity in the detailing of the awning. Compared to those I saw in the same street, I appreciate the modesty and sensitivity within the design of this awning. However, it is the siting, size and projection of the awning i.e. the obtrusive and distracting presence of the awning itself, together with its lack of substantialness in the context of the static, edifice-like character of construction of the listed building and any sense of belonging to it architecturally, that would undermine its special historic and architectural interest.
15. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Although the degree of harm I have identified would be less than substantial, it is nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I appreciate that the awning may help to attract customers, but the public, economic and social benefits from this would not outweigh the harm to the significance of the listed building. I conclude that the proposal would fail to preserve the special architectural and historic interest of the grade II listed building. It would fail to satisfy the requirements of the Act, paragraph 192 of the Framework, and the policies of the development plan insofar as relevant.

The effect of the proposal on visual amenity (regulation 17)

17. The awning would protrude into the unusually narrow space of the street which is the street setting for the Butlers Wharf and Cardamom warehouses. Its obtrusive projection into the compressed street space would undermine the simplicity and regularity of the enclosing elevations of these listed buildings which share this distinctive canyon-like setting, significant for its lack of commercial clutter.
18. As well as diminishing its historic significance, the awning would undermine the architectural character of the building to which it would be attached, which has a substantial influence on the characteristic appearance of the street and the architectural significance of the whole CA. It follows that the advertisement would harm visual amenity.

19. I have taken into account saved Southwark Plan policies 3.15, 3.17, 3.18, and 3.23 which require development not to be detrimental to the special architectural or historic interest of listed buildings, to preserve or enhance their settings and the character or appearance of areas of historical or architectural significance as well as requiring signage and advertisements to be an integral and unobtrusive part of the character and appearance of the site and surrounding area.
20. Given I have concluded that the proposal would harm visual amenity, the proposal would conflict with these policies, as well as paragraph 132 of the Framework which indicates that the quality and character of places can suffer when advertisements are poorly sited and designed. It would also fail to preserve the appearance of the Tower Bridge CA to the desirability of whose preservation or enhancement the Act requires that special attention be paid.

Other Matters

21. I saw awnings over some of the openings in the Butlers Wharf listed building, opposite the site, and over other openings in the street. The Council has referred to those awnings to which it has given listed building consent and advertising consent.
22. The consented awning at 31H, Pizza Express, springs from a lighter, glazed section of the Cardamom listed building which limits its effect on the architectural order of that building. While the effect of its projection is similar to this proposal, and it is not a model to follow, it is confined to a limited section of the street. It does not change my conclusions on significance and visual amenity and the harm from this proposal which would compound its effect. I did not see the consented awnings at the coffee shop at 49 Shad Thames during my visit. The building appears relatively modern and its ground floor contains large glass fronts which are set back by a gallery. The effect of awnings on the building and the character of the street space may appear to be quite different to this proposal.
23. I have taken into account the unconsented awnings in the street. As well as demonstrating the harmful effects identified above, they also show how the awnings reduce the light reaching the ground and reflecting back onto the building, deadening the animation of the ground floor openings and the street level appearance of the building. While the Council accepts that it has not taken enforcement action against them, its inaction does not absolve me of my statutory duties in considering this proposal. None of the examples of awnings lead me to a conclusion other than that this proposal would preserve neither the listed building, the setting of the neighbouring listed buildings in the warehouse canyon group, nor the appearance of the Tower Bridge CA.

Conclusion

24. The proposal would fail to preserve the special architectural and historic interest of the grade II listed building. It would also fail to preserve the appearance of the Tower Bridge CA. It would have a harmful effect on visual amenity. For these reasons, I conclude that the appeals should be dismissed.

Patrick Whelan

INSPECTOR