



Appeal Decisions

Site Visit made on 27 April 2021

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 25 May 2021

Appeal A: APP/E5900/W/20/3249987

52 Dockmasters House, St Katharines Way, London E1W 1LP

- 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 Lady P Cobham against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/19/02471, dated 12 November 2019, was refused by notice dated 7 January 2020.
 - The development proposed is construction of a part 1, part 2 storey extension within the existing walled yard to accommodate a library and ancillary study. The yard gate is to be amended to create a ground floor entrance to the proposed library.
-

Appeal B: APP/E5900/Y/20/3250008

52 Dockmasters House, St Katharines Way, London E1W 1LP

- 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 Lady P Cobham against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref: PA/19/02472, dated 12 November 2019, was refused by notice dated 7 January 2020.
 - The works proposed are construction of a part 1, part 2 storey extension within the existing walled yard to accommodate a library and ancillary study. The yard gate is to be amended to create a ground floor entrance to the proposed library.
-

Decision

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. The description in the banner heading above is taken from the decision notice in the interests of precision and conciseness.
4. Since the Council's decision, Tower Hamlets Local Plan 2031 (2020) (LP) has been adopted and the new London Plan: The Spatial Development Strategy for London, March 2021 (NLP) has been published. As such, the Tower Hamlets Core Strategy and the Tower Hamlets Managing Development Document have been superseded by the LP, and the NLP has superseded the previous London Plan. I will determine the appeal on this basis.

5. As the proposal relates to a listed building and is in a conservation area I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
6. The second reason for refusal refers to absence of suitable assessment of tidal flood risk. In the light of further information submitted to the appeal, the Environment Agency has removed its objection in respect of flood risk and the Council is satisfied that the concerns in the second reason for refusal have been addressed.

Main Issue

7. The main issue is a) the effect of the proposal on the special architectural and historic interest of the Grade II listed building, 'Dockmaster's Office' (Ref: 1065089) and b) whether the proposal would preserve or enhance the character or appearance of the Tower Conservation Area (CA).

Reasons

8. The CA covers an area alongside the north bank of the River Thames from around the Tower of London to Thomas More Street, including St Katharine Docks and part of Tower Bridge. From what I saw during my site visit and the evidence before me, the CA's significance, insofar as it relates to these appeals, lies in its characterful mix of historic buildings and spaces, and its articulation of this part of London's riverfront and maritime history, including nineteenth century development associated with St Katharine Dock.
9. The listed building is located on the north bank of the River Thames to one side of the lock entrance to St Katharine Docks Basin. After closing in the 1960s, the docks became a marina. Formerly the Dockmaster's Office, the listed building is now a residential property.
10. Likely to have been designed by Philip Hardwick, an original member of the Royal Institute of British Architects, the listed building dates from the early nineteenth century, with later minor alterations. Its tallest part nearest the Thames has three storeys and a basement, with a two-storey range attached to the north. It is constructed of yellow stock brick with slate roofing. The fenestration detailing includes flat window arches of gauged paler yellow brick and slightly recessed timber sash windows with horns. Its central door at the ground floor level has a semi-circular fanlight over a six-panelled door, set within a double arch. An elegant wide bow with conical roof faces towards the riverside. Substantial chimneys rise from the east side of the curved bow and the junction of the two and three-storey parts of the building.
11. The two-storey range to the north, which formerly housed the customs office, has three window bays and a central entrance. This range returns with a curved wall of three bays.
12. Designed to allow the Dockmaster to live and work in sight of passing river traffic, the building's elegant three-storey bow and entrance facing the lock reflects its historic purpose. The building also has group value with other listed buildings and structures of St Katharine Docks. It is an important reminder of the international prominence of London's docks and the Thames as a busy commercial thoroughfare.

13. Consequently, the listed building embodies evidential, historic and aesthetic values. The above contributes to both the building's special interest and the significance of the wider CA.
14. Given the above, I consider the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with the legibility of the early nineteenth century exterior architecture of the Dockmaster's building.
15. A footpath curves alongside the north-western boundary of the appeal site, providing a route between the Thames riverfront with its views of Tower Bridge, and St Katharine Docks marina with its waterfront restaurants and bars. As such, this footpath is apparently well used by locals and visitors exploring the Thames Path and using workplaces, businesses, leisure facilities and residences in the locality. The appeal site is part of the foreground of views of Tower Bridge and towards St Katharine Dock. The above together contribute to the prominence of the appeal site.
16. In the vicinity of the appeal site, the physical and visual flow of the footpath that runs adjacent to the site helps to frame views of Tower Bridge and towards St Katharine Docks. On the route between St Katharine Docks and Tower Bridge, this flow and views of the bridge and towards the dock are substantially framed by the combination of walls on each side of the footpath and other elements in the form of trees, the yacht club, Devon House and the listed building.
17. The framing effect of the above combination of elements would substantially endure. Thus, the way in which Tower Bridge is revealed and experienced in the vicinity of the listed building would not be significantly changed by the proposal. Also, views between the river and western and southern elevations of the listed building would be preserved.
18. However, viewed from the north, the proposal's upper roof bulk with its substantial row of rooflights would visually compete with and distract from appreciation of the listed building's distinctive early nineteenth century exterior, including the latter's curving north-west elevation, traditional fenestration and roofscape with chimneys. Furthermore, the distracting modern bulk of the upper part of the proposal would visually clutter the foreground of the house, reducing its architectural 'breathing space'. This would result in an intrusive and incongruent addition that would distract from the historic exterior architecture of the listed building.
19. The above impacts would be noticeable from various viewpoints. Within the public realm these are on St Katharine's Way, and from the north-eastern entrance to and part of the footpath that runs alongside the appeal site. Other viewpoints are from the listed building's driveway, offices in Devon House and the front of some residences on St Katharine's Way. This would compromise the legibility of the early nineteenth century architecture of the Dockmaster's building.
20. Taking the above together, the proposal's combination of incongruent massing and design would distract from the historic form of the building. Consequently, the over-dominant modern addition that is being proposed would erode the historic legibility of the building.

21. Given the visibility of the proposal from various viewpoints within the CA, the identified adverse impacts of the proposal would also harm the character and appearance of the CA.
22. Therefore, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. I give this harm considerable importance and weight in the planning balance of these appeals.
23. Paragraph 193 of the National Planning Policy Framework (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. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, and that this should have a clear and convincing justification. Given the extent of the changes, I find the harm to be less than substantial in this instance, but nevertheless of considerable importance and weight.
24. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against public benefits of the proposal, including any contribution to securing optimal viable use of listed buildings.
25. The proposal would provide additional, indoor storage space for the appellant's collection of music CDs, opera DVDs and books, in place of bespoke storage cupboards for CDs located within the yard. It would also provide additional space for the appellant to study and meet other opera and classical music aficionados. The appellant considers that this would allow their music collection to grow, be better protected from climatic elements and be more easily curated, thereby culturally enriching their classical music broadcasts on national radio and interactions with visitors from the music and cultural scenes.
26. Nevertheless, the library would not be open to the general public and it is not certain that the proposal would be the sole means by which the music within the collection could be satisfactorily stored, archived, and accessed by classical music experts and fans. The convenience of the collection being housed within the proposal, and the additional living space would be contained to the appellant, their archivist and visitors. Furthermore, the continued viable use of the appeal property as a residential dwelling is not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence.
27. The proposal would increase the privacy of the house's garden and conceal some yard space containing domestic paraphernalia. Albeit existing landscaping, boundaries and vegetation together provide some screening of the property's private outdoor space from various viewpoints.
28. Drawing the above together, I find that the public benefits of the proposal are limited and do not outweigh the great weight given to the conservation of designated heritage assets and the less than substantial harm to their significance which I have identified.
29. I therefore conclude that the proposal would fail to preserve the special interest of the Grade II listed building, and the character and appearance of the CA. This would fail to satisfy the requirements of the Act and paragraph 196 of the Framework. It would also conflict with Policies S.DH1 and S.DH3 of the LP and Policy HC1 of the NLP. Together the policies seek to ensure that proposals

complement local character and distinctiveness, including through conservation of heritage assets. As a result, the proposal would not be in accordance with the development plan.

30. The urban design principles in Policy D.DH3 of the LP do not specifically focus on heritage assets and their significance and thus this policy is not engaged in this instance.

Conclusion

31. For the reasons given above I conclude that these appeals should be dismissed.

William Cooper

INSPECTOR