



Appeal Decision

Site visits made on 31 October 2022 and 5 December 2022

by Peter Rose BA MRTPI DMS MCMI

an Inspector appointed by the Secretary of State

Decision date: 14 December 2022

Appeal Ref: APP/X5990/W/22/3300114

Tattershall Castle, Victoria Embankment, London, SW1A 2HR

- 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 Stonegate Pub Group against the decision of the Council of the City of Westminster.
 - The application Ref: 22/00018/FULL, dated 4 January 2022, was refused by notice dated 9 March 2022.
 - The development proposed is installation of replacement deck covers.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. The Tattershall Castle is a boat occupying a fixed mooring alongside London's Victoria Embankment, and since 1982 has been used as a bar and restaurant.
3. The vessel has been re-located from a previous mooring nearby in order to facilitate adjacent temporary works in connection with the Thames Tideway Tunnel project. The main parties have confirmed that the application has been considered on the basis of a non-temporary mooring of the vessel in its current location as shown on the application site plan.
4. The Tideway works currently screen the vessel in some views from the north. As those works are temporary, they are disregarded for the purposes of the visual assessment which follows.
5. Whilst the existing deck covers appear to have no planning permission, no enforcement action has been taken by the Council, and there is no dispute they have been in place for several years and may now be lawful by virtue of time.

Main issue

6. The main issue is the possible implications for the significance of specified nearby heritage assets. The assets are identified in the Council's reasons for refusal to be: the host **Whitehall Conservation Area**; the **Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site** (the WHS) (views of, and implications for the setting of); the **Westminster Abbey and Parliamentary Square Conservation Area**, and the **Savoy Conservation Area** (views into and out of each); and the **River Thames** (views of). In particular regard to the Conservation Areas, the issue is whether or not the proposal would preserve or enhance the character or appearance of each of those assets.

Reasons

The works

7. The proposal is to replace existing deck covers on both the bow (front) and stern (rear) parts of the deck. The replacement covers would be of a not dissimilar form and height to those existing, but would be more extensive.
8. The scheme would involve a modular canopy structure using white-coloured metal posts. The posts would support a matching roof structure which would accommodate a retractable covering. The structure would include integral lighting deployed in the same way as the existing illumination.
9. The principal distinctions between the existing and proposed arrangements are that the scheme's roof structure would be slightly flatter in profile, and the canopies would extend further along the lengths of the bow and stern areas and slightly further across their widths.

The heritage assets identified

10. The appeal site is part of the **Whitehall Conservation Area**. The significance of the Conservation Area's character and appearance ultimately relates to its development and heritage as the historic centre of national government, and its various refined buildings and spaces reflect accordingly.
11. Except at higher tides, much of the Tattershall Castle is below the level of the top of the adjacent Embankment wall. This limits views of the vessel in its entirety from within the Conservation Area, but it remains particularly evident to pedestrians along the length of the neighbouring Hungerford Bridge. In all views, the Tattershall Castle, readily distinguishable by its prominent funnel, is seen as part of the wider riverscape. Its backdrop in immediate views from the Embankment includes various distinguished buildings on the opposite side of the river, with the London Eye immediately behind. Mature trees either side of the Embankment filter views towards the boat from public gardens to the west. Some other mooring facilities and associated structures are nearby.
12. The Council's relevant Conservation Area assessment¹ acknowledges other moored vessels providing bar and restaurant facilities. It identifies their suitability to the riverside but indicates how their proliferation, and the design and number of associated walkways, canopies and signage, need to be carefully considered to avoid clutter along the Embankment.
13. The **WHS** is a heritage asset of the highest importance, internationally recognised to be of Outstanding Universal Value (OUV). Effective management of a WHS generally involves the identification and promotion of positive change that will conserve and enhance its OUV, authenticity and integrity.² The WHS' OUV relates, amongst other things, to the architectural, historic and symbolic significance of the asset and with particular reference to the importance, as a group, of the three buildings of the Palace of Westminster, Westminster Abbey and St Margaret's Church.
14. UNESCO Operational Guidelines generally seek protection of the immediate setting of a WHS, and of important views and other areas or attributes that are

¹ Whitehall Conservation Area Audit 19 December 2003

² Planning Practice Guidance Paragraph: 026 Reference ID: 18a-026-20190723

functionally important.³ The WHS Management Plan explains how an appreciation of its importance depends significantly on, amongst other things, the setting of the site, of key views, and of the dignity of the area, and how this would be undermined by development which did not respect its relevant qualities.⁴

15. The vessel is evident in views of the WHS from the north, and particularly from Hungerford Bridge. The WHS Management Plan identifies how the main river frontage of the Palace of Westminster and Westminster Bridge can now be appreciated as a complete composition from Hungerford Bridge.⁵ The vessel is also apparent in distant views further south looking back, and including from the relatively nearby Westminster Bridge.
16. The WHS and the **Westminster Abbey and Parliamentary Square Conservation Area** both lie some distance to the south of the appeal site.⁶ The Conservation Area has a similar northern extent to the WHS and shares related qualities and significance.
17. The **Savoy Conservation Area** lies to the north of the appeal site. The vessel is mostly concealed in significant views to and from the Conservation Area by intervening bridge and other structures, and I am not satisfied of any material relationship to the appeal site.
18. The vessel is clearly visible in both immediate and more distant views from and of the **River Thames**, and including from the opposite bank.
19. The **Tattershall Castle** itself is identified as Registration Number 72 on the National Historic Ships UK National Register of Historic Vessels (the register). This provides an overview of the UK's extant historic vessels and identifies the vessel as a passenger boat and paddle ferry dating from 1934. The Council states it would categorise the vessel as a non-designated heritage asset.

Implications arising

20. The Victoria Embankment is a nationally renowned historic throughfare of boulevard-type character. The road is wide and lined with spacious pavements, mature trees and a range of important historic artifacts and buildings.
21. The register confirms that the vessel does not remain in its original form, and no evidence is offered of any particular significance attaching to its existing architecture, and nor of any historic connection to the Embankment. 'Pub on the Thames' advertising has been added to its river (port) side at deck level.
22. The very nature of its setting is shaped by the Thames, and the wider significance of the Conservation Areas and of the WHS all relates in part to those assets' visual relationship to the river. Views necessarily shape how those assets are experienced and may be appreciated.
23. As with the existing arrangement, the structural framing elements of the proposed deck covers would be permanently fixed. To a degree, they would read as part of the superstructure of the vessel itself. Even so, the extended

³ Planning Practice Guidance Paragraph: 033 Reference ID: 18a-033-20190723

⁴ Paragraph 3.1.1.1, The Palace of Westminster and Westminster Abbey including St Margaret's Church World Heritage Site Management Plan May 2007

⁵ Paragraph 1.6.4.4

⁶ The appellant identifies approximately 400m at the closest point

works would occupy much of the remaining limited but relatively exposed open areas of the deck and, by reason of their height, extent, form and position, would create a more substantial and developed upper character to the vessel. This would contrast markedly with the existing more open and less top-heavy profile of the deck with distinct spaces either end. The deck would appear more cramped and cluttered, and this would also further undermine the discreet and visually subservient relationship it originally enjoyed to the funnel and bridge.⁷ The effect would be to render the vessel an unduly dominant and discordant riverside fixture, and particularly so when rising above the Embankment wall at higher tides.

24. Vessels of many shapes and sizes are continual passing features of the river, and boats moored at its bank are an expected presence. The distinction here is that the Tattershall Castle is permanently moored. It is a set fixture and so presents an enduring relationship to the built forms and spaces around it.
25. A degree of transparency would accompany the works when unoccupied or otherwise unobstructed. When in use, however, the further extensions would undoubtedly impede some through-views both to and from the Embankment.
26. The works would be prominent at close quarters in immediate views from the Embankment and from the river behind. Elevated pedestrian views from Hungerford Bridge would also be particularly significant.
27. The scheme would be less apparent in more distant views from the river and its opposite bank, and from further south during daytime, including from Westminster Bridge. In hours of darkness, however, the extended accommodation would be highlighted by a corresponding increase in the extent of necessary illumination. The vessel would appear as a more prominent, more intensively illuminated feature set against the wider resplendence of the Embankment. Day or night, this provides a distinguished backdrop variously shaped by the river wall with mature trees behind, an orderly arrangement of lampstands and associated lighting, and by other historic features. These include the majestic nearby presence of the Royal Air Force Memorial, the prominence of which is evident widely in views along the Thames.
28. Taking these various impacts together, the further extension as proposed would thereby create a visually incongruous and unduly intrusive feature unsympathetic to the historic sensitivities of its setting. With the exception of the Savoy Conservation Area, the proposal would be harmful to the significance of the identified designated heritage assets. It would fail to preserve or enhance the character or appearance of each Conservation Area and would be harmful to the OUV and integrity of the WHS.
29. The scheme would thereby be contrary to Policies 31, 38, 39, 40 and 43 of Westminster's City Plan⁸ and to Policy HC1 of the London Plan⁹. These seek, amongst other things, for development: to contribute to a clutter-free public realm; to preserve or enhance the character and appearance of Westminster's Conservation Areas; not to compromise views of the river, the WHS and other heritage assets and their settings; and to be sympathetic to the assets' significance and appreciation within their surroundings.

⁷ See, for example, Figure 5 of the appellant's Built Heritage Statement of Case

⁸ City of Westminster City Plan 2019-2040 Adopted April 2021

⁹ Mayor of London's The London Plan, The Spatial Development Strategy for Greater London March 2021

Planning balances

30. The National Planning Policy Framework (the Framework) makes clear that heritage assets are an irreplaceable resource, and requires them to be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, it requires great weight to be given to an asset's conservation, and irrespective of the scale of harm. There follows a strong presumption against granting permission which would harm such an asset because the desirability of preservation is a matter of considerable importance and weight.
31. Change to heritage assets is inevitable and is only harmful when significance is damaged. The nature and importance of the significance that is affected will dictate the proportionate response to assessing that change and its justification.¹⁰ Setting may be part of that significance insofar as it contributes to the sense in which a heritage asset is experienced.
32. The Framework requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a development would lead to less than substantial harm to the significance of a designated heritage asset, as with the impacts identified here, the Framework requires such harm to be weighed against the public benefits of the proposal.
33. The public benefits arising would include helping to safeguard the integrity of the vessel by supporting its viable use, and various associated economic benefits, not least in sustaining employment opportunities.
34. The scheme would also support the vitality of this important part of London, so echoing the sentiments of Policy 39 of the City Plan. This explains how Westminster's unique historic environment will be valued and celebrated for its contribution to the quality of life and character of the city, and how public enjoyment of, access to and awareness of the city's heritage will be promoted. In so doing, the scheme would contribute to the recovery of both this particular riverside facility post-COVID and of London's hospitality and leisure sector more generally by seeking to improve the vessel's customer accommodation. Policy 31 encourages proposals for permanent moorings in appropriate locations which, amongst other things, will be open to the public but which will also enhance the character and appearance of the riverside and not compromise views of the river and nor of heritage assets and their settings.
35. Whilst the extent of proposed change to the vessel would in itself be relatively modest, the Tattershall Castle is moored prominently amid a rich collection of historic assets of the highest merit. The assets collectively function as a clearly related collection of buildings and spaces and so create a unique heritage context. All contribute to a heritage setting of great significance.
36. I therefore consider the public benefits of the scheme to be of limited weight relative to the far greater harm arising from, and relative to the significance of, the designated heritage assets affected.

¹⁰ Historic England's Managing Significance in Decision-Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2

37. Accordingly, policies in the Framework that protect areas or assets of particular importance, and which include designated heritage assets, provide a clear reason for refusing the development proposed.
38. I have not had specific regard to any possible implications for a number of other nearby designated heritage assets beyond those expressly identified in the Council's decision notice. Any consideration of such further assets would not affect the planning balances reached, and such other matters have also not been the subject of submissions.
39. In summary, the proposal would conflict with the development plan as a whole, and other material considerations do not indicate a decision to the contrary.

Conclusion

40. For the reasons given above, I conclude that the appeal should be dismissed.

Peter Rose
INSPECTOR