



Appeal Decision

Site visit made on 25 June 2024

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 July 2024

Appeal Ref: APP/U5360/W/23/3334264

Pub On The Park, 19 Martello Street, London E8 3PE

- 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 Kieran Ryan of Bruce Bars Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref is 2022/2535.
 - The development proposed is installation of 2no. canopies over part of existing external terrace to replace existing canopy.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - The character and appearance of the host building and the area, with due regard to a non-designated heritage asset; and
 - Biodiversity.

Reasons

Character and Appearance

3. The appeal site consists of the Pub On The Park, which is a detached building located on the edge of the open space of London Fields. The building is of a distinctive character and appearance, and due to its free-standing location on the edge of the park all elevations of the building are readily visible from the public domain. It is a distinctive building that makes a significant contribution to the character and appearance of the area, which contributes to its significance as a locally listed non-designated heritage asset.
4. There are terraced seating areas to the side and rear of the Pub which cover a relatively large area. These are of an irregular asymmetric shape which follow historic plot boundaries, but are now out of context with the simple rectangular form of the Pub due to the demolition of buildings around the Pub and its incorporation into London Fields.
5. A Previous Appeal¹ relating to this site upheld an enforcement notice requiring the removal of metal supported plastic roofing and timber walls with plastic inserts, amongst other things. However, the Previous Appeal Decision referred

¹ Appeal Ref: APP/U5360/C/21/3278700

- to the possibility of providing covered areas that could enhance the viability of the Pub.
6. The appeal before me relates to 2 separate canopies.
 7. A larger canopy would be located to the rear projecting away at an angle to the Pub building. This would be a large structure which would not be viewed as a subservient feature to the Pub. This canopy would be detached from the building, and due to its scale as well as irregular shape and sloping eaves it would be a jarring and overly prominent feature in views of the Pub from the surrounding area.
 8. A second smaller canopy would extend around a corner of the pub. However, this would also have an awkward relationship with the host building, as the minimal extent of connection to the building and its irregular shape and sloping eaves line would give it the appearance of a contrived feature placed on one corner of the building.
 9. Even allowing for the glazed nature of the canopies, the proposal would obscure views of the traditional form of the Pub building when seen from the park. Although they are in effect single storey structures, the cumulative effect of both canopies placed on raised terraces would appear as over-dominant additions to the site, detracting from the appreciation of the main building. The introduction of a raised brick parapet wall would also add unacceptably to the bulk of the terrace. When viewed as a whole, this would be to the significant detriment to the appearance of the building and the significance of this non-designated heritage asset.
 10. I therefore conclude that due to its scale, location and design, the proposal would lead to significant harm to the character and appearance of the host building and the surrounding area. The development would also lead to great harm to the significance of this non-designated heritage asset. The proposal would therefore be contrary to Policies D1, D3, D4 and HC1 of the London Plan 2021 and Policies LP1 and LP4 of the Hackney Local Plan 2020 (the Local Plan) with regards to character, design and the effect on non-designated heritage assets.
 11. The Council's decision refers to Hackney's Residential Extensions and Alterations SPD 2009. However, I have not been provided with a copy of this document and so have not had regard to it. It has also not been set out how this SPD is relevant to a proposal relating to a commercial building.

Biodiversity

12. The appeal site is adjacent to a Site of Importance of Nature Conservation (SINC). The Council refers to a particular feature being a small wildlife area containing rough grassland which supports butterflies and other invertebrates. It also emphasises that the proposal has the potential to increase noise and light pollution that could lead to harm to biodiversity.
13. The Council's concerns are set out in general terms. However, the appellant has provided no substantive evidence to assess the potential impact on biodiversity and the effectiveness of mitigating measures. Reference has been made to the potential for new hedge planting or other landscaping opportunities, but there is no certainty that this would be sufficient to mitigate potential harm to biodiversity. Due to the lack of substantive evidence and the

resultant uncertainty about the effectiveness of mitigation measures, and mindful of the importance of the SINC, it would not be appropriate to address this matter by condition requiring the submission of further details.

14. I therefore conclude that insufficient evidence has been submitted to enable the effect of the proposal on biodiversity to be suitably assessed. The proposal would therefore be contrary to Policies G1 and G6 of the London Plan and Policy LP47 of the Local Plan which require the protection of green infrastructure and SINCs and the prevention of a detrimental impact on their biodiversity and nature conservation value.

Other Matters

15. It is clear from the number of comments submitted in support of the proposal that the Pub is a valued feature of the area and that the proposal would provide benefits for customers. I have also had regard to the submitted evidence regarding the operational challenges faced by the Pub and the wider hospitality and leisure industry, particularly following the pandemic. However, it has not been demonstrated that the future existence of the Pub is reliant on the appeal proposal, or that covered seating areas of a more suitable design cannot be provided. The benefits arising from the proposal to customers and the operation of the business therefore carry limited weight in favour of this particular scheme.
16. I note the frustrations expressed by the appellant in relation to the communication from the Council leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

17. There are no material considerations that indicate the appeal should be determined other than in accordance with the development plan. For the reasons given, I therefore conclude that the appeal should be dismissed.

David Cross

INSPECTOR