



Appeal Decision

Site visit made on 25 July 2024

by C Butcher BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 August 2024

Appeal Ref: APP/E5900/W/24/3339391

185 Bow Common Lane, London E3 4JJ

- 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 Charles Pear (Gracewood Group) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref is PA/23/01256.
 - The development proposed is the change of use of ground floor and basement to a single, 5-bedroom dwelling (Use Class C3)
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the Ropery Street Conservation Area; (ii) whether the loss of the public house would be acceptable in policy terms; and (iii) whether the proposed development should provide additional cycle parking spaces.

Reasons

Conservation Area

3. The appeal site is located within the Ropery Street Conservation Area, a predominantly residential area which covers a relatively small proportion of the Borough. From the evidence before me, and from what I saw when I visited the site, the significance of the Conservation Area, in so far as it is relevant to this appeal, is derived from the value of the suburban development of this part of London, and the architectural styles and tastes of the time. It has an aesthetic value due to the general appearance of many of the buildings.
4. The appeal site was previously occupied by a historic public house which closed some years ago. Since then, the site has been completely redeveloped with the removal of the public house frontage at ground floor level and the addition of new residential flats above. The immediate area, much of which is outside of the Conservation Area boundary, now has a relatively modern feel due to the amount of redevelopment that has taken place over time. It seems clear from the evidence before me that the attractive historic frontage of the public house at ground floor level would have made a positive contribution to the character and appearance of the area.

5. Given their community function, it is of course regrettable when a public house closes. However, when they do so, retaining or recreating some elements of the building's design and character is in my view very important. Doing so provides a link to the past and enhances the experience of the passer by as they move through a space. This is particularly the case in this instance in an area where there has been significant redevelopment.
6. I acknowledge that the pub has been closed for some time, and that the building has undergone significant redevelopment, including the removal of the public house facade. In addition, the proposed development would accord with the appearance of the rest of the building and that of the immediate surroundings. However, none of these factors justify the complete loss of the intrinsic character of the public house which previously would have made a positive contribution to the Conservation Area. In my view, the fact that the proposed development does not seek to re-introduce any element of the design of the public house does amount to clear and obvious harm.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. In this instance, due to the limited scale of the development, the harm would be relatively localised. However, the appeal site is located at a prominent entry point to the Conservation Area, and so this localised harm would also be harmful to the character and appearance of the Conservation Area as a whole. The proposal would have a negative effect on the significance of a designated heritage asset and would result in 'less than substantial harm'. In these circumstances, the National Planning Policy Framework (the Framework) requires that this harm must be weighed against public benefits. Great weight must be given to a designated heritage asset's conservation and any harm to its significance requires clear and convincing justification.
8. In this instance, the development would provide one additional dwelling which would add to the local housing stock, provide some economic benefits and would also make efficient use of land. However, given the scale of the proposal, these benefits would be very limited.
9. I therefore conclude that the public benefits do not outweigh the less than substantial harm I have identified. The proposed development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would result in harm to its significance. This would fail to satisfy the requirements of the Act, the relevant parts of the Framework and would conflict with Policies D.DH2 and S.DH3 of the Tower Hamlets Local Plan 2020 (LP). The relevant aspects of these policies seek to ensure that new development is well designed and that it preserves character and appearance, including that of heritage assets.

Loss of the Public House

10. LP Policy D.CF4 sets out that where the loss of a public house is proposed, evidence will be required to demonstrate that every effort has been made to preserve the facility, and that it has been marketed for a 12 month period as a public house and a further 12 month period for other community uses.
11. In this instance the matter in dispute between the main parties relates to the nature of the marketing that has taken place. The appellant has provided a

Marketing Report produced by SFP Property in June 2023, along with an addendum produced by the same company in February 2024. The reports are robust and thorough and clearly outline the marketing that has taken place, including the relevant dates and evidence of the adverts placed.

12. From this evidence, I am satisfied that the building has been marketed for a suitable period of time, both as a public house and for other community uses. Furthermore, it has clearly been marketed with a range of incentives including a rent free period and a contribution to external works. The reports conclude that there have been no suitable enquiries for the space and there is no substantive evidence before me that would lead me to conclude that genuine interest in the property has not been adequately taken forward.
13. I am therefore satisfied that the loss of the public house is justified in policy terms and that the proposed development conforms with LP Policy D.CF4, which in part seeks to protect public houses.

Cycle Spaces

14. The proposed development does not include any additional provision of cycle spaces above and beyond those provided as part of the previous redevelopment of the upper floors of the building. However, even if I were to conclude that additional spaces should be provided, I am satisfied that this issue could be dealt with through the imposition of a suitably worded condition.
15. I therefore find that there is no conflict with LP Policy D.TR3 or Policy T5 of the London Plan 2020, both of which seek to ensure that provision of cycle spaces within new development.

Conclusion

16. The proposed development conflicts with the development plan when considered as a whole, notwithstanding that I have not found harm in relation to the loss of the public house or cycle parking. There are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict. The appeal is therefore dismissed.

C Butcher

INSPECTOR