

Appeal Decisions

Site visit made on 15 August 2024

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2024

Appeal A Ref: APP/A5840/W/24/3344793

187 Flat 3 Bermondsey Street, London SE1 3UW

- 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 E Howkins and Ms N Trathen against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0328 dated 8 February 2023 and refused by notice dated 3 April 2024.
 - The development proposed is Replacement of existing roof access hatch with new opening glazed skylight and access stair to existing roof terrace; replacement of existing railings to roof terrace to residential apartment.
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Appeal B Ref: APP/A5840/Y/24/3344798

187 Flat 3 Bermondsey Street, London SE1 3UW

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr E Howkins and Ms N Trathen against the decision of the Council of the London Borough of Southwark.
 - The application Ref is 24/AP/0329 dated 8 February 2023 was refused by notice dated 3 April 2024.
 - The works proposed are Replacement of existing roof access hatch with new opening glazed skylight and access stair to existing roof terrace; replacement of existing railings to roof terrace to residential apartment.
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Decision

1. Appeal A is dismissed. Appeal B is dismissed.
2. The appeal concerns works and development to 187 Bermondsey Street, a statutorily Grade II listed building (List Entry Number: 1376565) listed on 1 July 1988. It is group listed with 189 Bermondsey Street. In addition, the listed building is situated within Bermondsey Street Conservation Area (CA). I am therefore mindful of my statutory duties in respect of Sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act).
3. These decisions address both planning and listed building consent appeals for the same site and same scheme. Although the remit of both regimes is

different, in order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision.

Main Issues – both appeals

4. The main issues are the effect of the proposal on the special interest of the Grade II listed building of 187 Bermondsey Street or any features of special architectural or historic interest that it possesses; the effect upon the setting of the Grade II* listed Church of Mary Magdalene and Grade II listed 191 Bermondsey Street; and whether the proposal would preserve or enhance the character or appearance of Bermondsey Street Conservation Area.

Reasons

Special interest and significance

5. The significance and special interest of the listed asset of 187 Bermondsey Street arises from its historic and architectural interest. Originally built around 1907 as a 'settlement house' in Bermondsey from an Anglican movement founding a residential educational establishment of settlement workers comprising of influential middle-class women volunteers who bequeathed their 'time' and 'talent' to train working girls and young women. Of significance is the carved stone frieze written in an Arts and Crafts style reading Time and Talent Settlement, spanning the full width of the front of the building that bears its name. Most likely designed by respected architect Sir Reginald Blomfield in an Arts and Crafts style, three storeys with attic, over a basement. It is built using English bond purple bricks and red brick and stone dressings, gabled Welsh slate roof with dormers behind sagging, stone coped parapet. Recessed and roughcast ground-floor articulated by banded piers of dark brick and Portland stone. Paired panel doors to entrances and typically six over six sliding timber sash windows. It is a striking piece of architectural ability along Bermondsey Street.
6. In addition, the site is located adjacent to the Grade II* listed Church of Mary Magdalene (List Entry Number 1376567, listed 6 December 1949) built between 1675 and 1679 and group listed with the Grade II listed 191 Bermondsey Street (List entry number 1376566, listed 27 September 1972). The significance and special interest of the Church of Mary Magdalene is ascertained from its architectural execution arising from the medieval period with further 19th Century modifications of the Gothic style with crenelations and pinnacles to towers, pointed arches to traceried windows and Tudor arches to doors to nave. It is a set piece of architecture, designed as a religious place of worship that justifies its high listing status. Number 191 Bermondsey Street was built in the early 19th Century and its significance and special interest derives from its historic interest as a, two storey house with attic, over a basement, built from grey brick with stucco cornice and pediment. A six panel door in stucco doorcase with pilasters supporting entablature with frieze and cornice, and gauged, flat brick arches to sash windows with glazing bars and stucco cills contributes to the decoration to the asset.
7. From my observations at the site visit and the details available to me, I consider that the significance of the CA mainly derives from the medieval

period where its scale and layout still prevails of narrow building widths fronting the street, and evidence of long plots behind. The industrial growth of the 19th Century has further contributed to shaping the build-form of Bermondsey with warehousing complexes and public houses to serve workers remain clearly legible. The severe deprivation within the area in the 19th Century gave way to social housing and other charitable trusts arising to improve the prospects of the poor within Bermondsey and remain distinctive characteristics of the CA contributing positively to its significance.

Appeal proposal and effects

8. The areas in dispute between the parties relates to the removal of the existing rooftop barrier, described by the parties as a key clamp, and replacement with metal railings to both sides, painted black, including a new stair enclosure upon the roof terrace to provide stair access from the fourth floor. I am aware that some internal changes are proposed to facilitate the stair enclosure. However, as these are not in dispute by the parties, and further to my own assessment, I have no reason to come to a different view on the matter.
9. Evidence presented to me demonstrates a safety barrier to the front and rear of the rooftop on plans dating from 1907. From my own inspection of the site, for all intents and purposes, I find the existing barrier to be a similar barrier as demonstrated on the plans from 1907. I cannot be certain the railing that exists today is original historic fabric dating from 1907, but conversely, there is no substantive evidence before me to suggest that when the roof was replaced in the 1990's, this present barrier was installed. Furthermore, when the building was statutorily listed in 1988, there is no substantive evidence before me to indicate that this specific railing was not in situ at that time.
10. The design of the existing railings allows clear views through as a roofscape. Although the appellant has fixed mesh panels between rails as a means to improve privacy to the terrace, from what I could see on site, this mesh material does not have a permanence to it. The new steel railings with post system and vertically positioned bars between, closely coupled, would have more density to its appearance, appearing as a modern modular barrier. It would not resemble the existing railings with an open horizontal emphasis, and removing the ability for through-views. The appellants point to the street level railings at the back of the pavement. However, these are historic railings and their existence does not support the use of these visually intrusive means of enclosure in this location.
11. The new roof hatch to allow access from the fourth floor onto the rooftop would consist of a fairly substantial box upon the roof and height nearly the same as the proposed railings. Although its lid would be glazed, otherwise its walls would be rendered. It would not have a light-weight quality to it, thus making it more visible. It would be positioned close to the edge of the roof and the railings proposed would provide some screening qualities. Nevertheless, whilst it may not be visible from some aspects when looking up from street level, I am not convinced the hatch would not be visible from longer range views both from Bermondsey Street, in views from the narrow lane between buildings opposite, or from the public open space behind the

site, adding uncharacteristic visual clutter to the roofscape. None of these proposed works and development would be easily reversible in my view. I appreciate the appellants point to design advice from Historic England. However, this is guidance and I must consider the context of each proposal before me and their individual circumstances.

12. The appeal site is located in very close quarters to other listed assets, within their setting. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which a heritage asset is experienced. The Framework explains that its extent is not fixed and may change as the asset and its surroundings evolve. Given the close physical relationship between these buildings, the appeal site is clearly seen in the context of these other heritage assets.
13. New and alien features upon the rooftop would not preserve the heritage asset of 187 Bermondsey Street, and result in an adverse effect upon how the setting of the listed assets adjacent are experienced, contributing to a degree of erosion to their special interest. In addition, the backcloth of this part of the CA is one of mixed style but of significant historic interest where the appeal property makes a positive contribution. The proposal would lead to some weakening of the historic integrity of the CA. Therefore, I find the proposal would fail to preserve the special interest of the Grade II listed building of 187 Bermondsey Street and the setting of the adjacent assets, contrary to sections 16(2), 66(1) of the Act. It would not preserve or enhance the character or appearance of the CA as a whole, in conflict with section 72(1) of the Act.

Public benefits and balance

14. Paragraph 205 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of designated heritage asset's (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Paragraph 206 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. With reference to Paragraphs 205 and 206 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the type and scale of the proposed development, and the degree to which it impacts on the setting of the designated heritage asset, I find the category of harm in this instance to be 'less than substantial'. Paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing the asset's optimum viable use.
16. The Planning Practice Guidance entitled Historic Environment, advises that public benefits may follow from many developments and could be anything that delivers economic, social or environmental objectives as described in the Framework. Public benefits should flow from the proposed development.

They should be of a nature or scale to be of benefit to the public at large and not just be a private benefit.

17. I appreciate the value of the roof terrace to the appellants, and an improved access to it could better facilitate its use. There is however no substantial evidence before me to demonstrate the existing rails breach health and safety standards or could not be modified to better secure the terrace. I accept that the proposed railings would provide more privacy for the appellants at roof level. Nevertheless, these benefits are private benefits to the appellant and do not amount to public benefits. By this proposal benefiting from dispensing with the existing fire escape ladder would not lead me to apply any more than very limited weight to its removal as a public benefit. There is nothing before me to indicate the proposal before me is the only solution to creating a more accessible means onto the roof, or provide safety and privacy. Indeed, there is nothing to indicate that by this proposal not succeeding would compromise the optimum viable use of the flat that I am aware is currently occupied and what appears to be in satisfactory condition as a dwelling.
18. Overall, the weight that I would ascribe to the public benefits that would accrue from the proposal is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found. I am not persuaded there is clear and convincing justification for the identified harm to the heritage asset, or the setting of the adjacent heritage asset. Nor would it preserve or enhance the character or appearance of the CA.
19. Therefore, to conclude on this main issue, the proposal would not preserve the listed building or any features of special architectural or historic interest which it possesses, or safeguard the setting of the adjacent heritage assets, or preserve or enhance the character or appearance of the CA. This would be contrary to the requirements of the Act and Policies P13, P14, P19, P20 and P21 of the Southwark Plan (2022). It would run contrary to the same heritage protection aims of Policy HC1 of the London Plan 2021 and the National Planning Policy Framework.

Other Matters

20. Although there are no objections raised to the proposal by the council pertaining to living conditions, nevertheless, this neither weighs for or against the proposal and is neutral in the overall scheme.

Conclusion – both appeals

21. Appeal A - the proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given Appeal A is dismissed.
22. Appeal B – for the reasons given, I conclude that Appeal B is dismissed.

Alison Scott

INSPECTOR

