



Appeal Decision

Hearing and site visit held on 4 September 2012

by Paul Jackson B Arch (Hons) RIBA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5 October 2012

Appeal Ref: APP/C5690/A/12/2171328
368 Baring Road, London SE12 0DU

- 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 Mr Stuart Jackson and Mr Daire Gilmore against the decision of the Council of the London Borough of Lewisham.
 - The application Ref DC/10/75499, dated 29 September 2010, was refused by notice dated 26 August 2011.
 - The development proposed is demolition of the existing buildings and construction of a part 2/3/4 storey building fronting Baring Road and Downham Way providing commercial floorspace (A1, A2, A3 and/or A4) at ground floor with 14 flats above and construction of terrace with 3 dwellinghouses to the rear and associated car parking, amenity space, landscaping, access, refuse and recycling facilities and cycle storage.
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Decision

1. The appeal is dismissed.

Application for costs

2. At the Hearing an application for costs was made by Mr Stuart Jackson and Mr Daire Gilmore against the Council of the London Borough of Lewisham. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the proposed demolition and development on the character and appearance of the area, having regard to the heritage significance of the existing building on the site.

Reasons

The site and its surroundings

4. Grove Park is a local centre with a railway station and a busy road junction where the A2212 Baring Road linking Bromley, Lee and Blackheath meets Downham Way and the B226. The junction is staggered over a railway bridge under which is the station. Development of the area including the appeal property and local shops was stimulated by the arrival of the railway in the 19th century. The centre is surrounded by residential development and it is a very busy area, particularly at the beginning and the end of the day. Unremarkable shops on the south side of the junction, mostly developed from the ground floors of 19th century houses, are supplemented by rather more utilitarian 20th century shop units which also extend over the bridge towards a filling station on the north side.
5. The Baring Hall Hotel was constructed in 1882 at the junction of Downham Way and Baring Road initially to serve passengers arriving from London for a day out.

It was designed by Ernest Newton, an apprentice and employee of Richard Norman Shaw from 1873 to 1879. Newton was a founder of the Art Workers Guild and became a well known architect in the arts and crafts style, particularly of dwellings in southeast London. He went on to be awarded the RIBA Royal Gold Medal and became President of the RIBA from 1914 -1917 and a Royal Academician. However, the hotel was designed early in his career and in January 2011 English Heritage declined to place it on the statutory list, explaining that *'the building is on the whole a typical rather than a remarkable example of the genre. Its interior has already been very much altered by 2001 and it is reasonable to assume that few if any of its features now survive. The Baring Hall Hotel, although significant as a landmark and as a handsome piece of street architecture, does not meet the criteria....'* However, in September 2011, following a substantial amount of public interest and lobbying to keep the building, Lewisham Council placed it on the Local List of buildings with heritage interest that are not on the statutory list. At the same time, an 'Article 4 Direction' was made, with the effect of removing permitted development rights for demolition.

6. The building is of 3 storey brick construction with a substantial hipped roof. Although extended, the original form of the building is clearly discernible. A three storey projecting bay faces Baring Road with the words 'Baring Hall Hotel' cast in relief in external render. A fire in 2009 led to its closure, but damage is limited to a 1950s extension and the public saloon; much of the ground floor and the upper floors retain much of their original plan form and fireplace openings. Though the best fire surrounds have been dismantled, they have been left on site. The building is structurally sound and whilst neglected, is reasonably weatherproof.

Policy background

7. The development plan is relatively up to date and consists of strategic guidance in the London Plan (LonP) of 2011, the Lewisham Core Strategy (CS) adopted in June 2011 and saved policies of the 2004 Lewisham Unitary Development Plan (UDP) which remain current until the new Development Management Development Plan Document (DPD) is adopted. The DPD contains more detailed policies to be used to inform planning decisions. I have also had regard to the National Planning Policy Framework (the Framework) issued in 2012. I set out the aims of the relevant policies below.
8. Policy 7.1 of the LonP advises that the design of new buildings and the spaces they create should help to reinforce or enhance the character, legibility, permeability, and accessibility of the neighbourhood. Policy 7.4 states that buildings should provide a high quality design response that amongst other things, has regard to the patterns and grain of the existing spaces and street; is human in scale; allows existing buildings and structures to make a positive contribution to the character of a place; and is informed by the surrounding historic environment.
9. CS Strategy Objective 10 aims to protect and enhance Lewisham's character through sensitive and appropriate design, in particular those areas requiring managed change and protection such as the Borough's heritage assets; at the same time creating and improving the environment. It says that this means ensuring that new development achieves high standards of urban design and residential quality and contributes to a sense of place and local distinctiveness informed by an understanding of the historic context. New development must be sensitive, appropriate to its context and should make a positive contribution to the environment and preserve or enhance the condition and historic significance of the Borough's heritage assets and their settings.

10. CS Objective 15 seeks the highest quality design and the protection and enhancement of the historic and natural environment, which is sustainable and optimises the potential of sites whilst being sensitive to local context and responding to local character. It seeks to ensure that any development conserves and enhances the Borough's heritage assets. CS Objective 16 seeks to ensure that heritage assets including non designated assets such as locally listed buildings will continue to be monitored, reviewed, enhanced and conserved. Spatial policy 5 concerns Areas of Stability and Managed Change. It says that the Council will ensure that any new development protects or enhances the quality of Lewisham's character, and historic significance particularly within conservation areas; and designates Grove Park as a Neighbourhood local shopping centre.
11. UDP saved policy URB3 seeks a high standard of design whilst ensuring that schemes are compatible with or compliment the scale and character of existing development and its setting, setting out factors that need to be considered; including scale and mass; the relationship to the existing townscape which should maintain or complement the surroundings; height, which should be in scale with adjoining buildings; respecting the scale and alignment of the existing street including frontages; the retention and refurbishment of existing buildings that make a positive contribution to the environment will be encouraged; the preservation and creation of urban form which contributes to local distinctiveness such as plot widths, building features and uses, roofscape and open space; and preservation of urban form which contributes to local distinctiveness.
12. UDP saved policy URB20 remains current and states that the Council will seek to ensure and encourage the preservation and enhancement of locally listed buildings of townscape merit and will use its powers where possible to protect their character and setting. The reasons for the policy advise that demolition of locally listed buildings will be resisted, but should it prove necessary, a high standard of design, complementing the surrounding area and which outweighs their architectural and historic value, will be required in any replacement building; the Council will endeavour to protect the character and setting of locally listed buildings by as far as possible treating them as if they were listed.
13. A core principle of the Framework is that planning should be plan-led, empowering local people to shape their surroundings, with succinct local and neighbourhood plans setting out a positive vision for the future of the area. The Framework seeks to deliver the social, recreational and cultural facilities the community needs, paragraph 70 noting that planning policies should plan positively for the provision and use of shared space such as public houses (amongst other types of shared buildings), to enhance the sustainability of communities; guarding against the unnecessary loss of valued facilities and services.
14. Emerging Borough policy recognises the value of community facilities and the need to resist their loss, noting that where informal premises used for this purpose such as pubs are lost, reprovision of such facilities should be assessed¹. *Pubs in Lewisham: An evidence based study* of April 2012 draws attention to the important role played by pubs in society and local community life and details the loss of more than a third of Lewisham's pubs in the last decade. The purpose of this document is to inform new policy that could address this issue, which is a matter of increasing concern. An in-depth review is now in progress looking at the factors behind the decline in pubs and what measures should be in place to ensure they are protected; especially those that play a large role in the life of the community

¹ Proposed amendment to the Lewisham Core Strategy Development Plan Document paragraph 7.176 (March 2011)

and are in historic buildings. The process is at an early stage and can only be given limited weight.

15. However, the community value of the Baring Hall Hotel in particular was further recognised at the Grove Park Community Design Workshop held in February 2012, an event supported by the Council, facilitated by the Prince's Foundation for Building Community and funded through a grant provided by the Department for Communities and Local Government. It sought to document the community's ideas and aspirations and set out long and short term proposals to improve the area. It forms no part of the development plan but records the provisions of the Localism Bill and anticipates a planning framework within which the vitality of Grove Park can be improved and influenced by local groups. As an expression of the community's aspirations, it must carry some weight.

The contribution made by the Baring Hall Hotel

16. There is a clear overall thrust in development plan policy in favour of sensitive redevelopment that respects urban context and the historic environment. Whilst not in a conservation area or designated on the statutory list, the Baring Hall Hotel is the only building in the central part of Grove Park with any significant architectural or historical merit. This gives it a local heritage significance that extends beyond its quality as an individual building. Even though boarded up, it forms a strong focal point in the street scene, the front rendered gable being prominent in long views along Baring Road. The prominent pitched roof is a landmark feature of the townscape of the centre of Grove Park seen along Downham Way and Baring Road. The generously proportioned original hipped roof with moulded eaves, dormer windows, chimneys and ornate iron decorative railings, combined with asymmetric elevations redolent of the arts and crafts movement as reflected in the contemporary architecture of the time, significantly enhance the character of the area. The building's importance as a conspicuous heritage asset locally is reinforced by the noticeable paucity of quality in 20th century buildings nearby, in particular those erected to the north. As an extension of Victorian development to the south, it bridges the road junction and rises above the traffic and urban clutter as a strong unifying element, assisted by the recent cleaning of the brick bridge parapet. It does not appear anomalous or out of place. It may be a building of relatively ordinary architectural quality, but its unique contribution to the remaining architectural and historic interest of Grove Park is very significant and in my view, largely defines the distinctiveness of the area.
17. Recognising the background to the way in which the listing occurred, following the site inspection there is no question that the hotel meets the standards for local listing set out in the Council's Appendix 1 of 2009; and consequently its loss should be resisted. With regard to the likelihood of it continuing in use now, it is unclear that the viability of a refurbished and repaired public house has been properly explored. There are no plans from any of the parties to indicate how the upper floors might be re-used, or any studies of how the premises could be modernised and/or extended to attract a new operator. There is no indication of the potential of the car park at the rear for development, whilst retaining the hotel. That might be explained by the early assumption that there would be no control over its demolition, but nothing prevented such studies being done for the appeal Hearing. Without this information, it becomes much harder to judge the viability of the site with the existing building in place and whether the benefits of the new building would outweigh the loss of the pub.
18. Punch Taverns marketed the lease in 2006-7 and 2009 but the reputation of the pub at that time was poor following a long period of decline (including attacks on the 2 previous managers) and this deterred potential tenants. No interest was

expressed by any pub operator or community group and the fire in 2009 made its repair and ongoing operation uneconomic. I do not doubt that as a commercial proposition at that time, the hotel was not attractive. However, the current application led to a strong upswell of public opinion in favour of its retention, later reflected in its local listing. It is perceived to be an important element in the future development of Grove Park.

19. It is very likely that any potential purchaser looking to repair and run the pub, or indeed for any other use, would find it difficult to compete with the development value of the site. If the building is to remain in place, then the marketing position has significantly altered. It has not been shown that in the current situation, given a fresh start, the premises would attract no interest. There is little competition from similar public houses in the surrounding area, which is clearly very busy with a great deal of footfall from the station and passing traffic. Of pubs in the district, the example of the Lord Northbrook was drawn to my attention; a pub that had an exceptionally poor reputation in the recent past but which is now a successful enterprise. It is not at all clear that a refurbished pub at Grove Park could not be attractive and run profitably. Those attending the Hearing included one person with suitable experience who expressed an interest in running it. Only limited weight can be attached to the likelihood of such professions of interest leading to a firm offer but I cannot discount the possibility that there may be others.
20. Before the fire, the Baring Hall Hotel was a popular social centre for the community. Although that became tarnished in later years, there is potential for a new social centre in the location. This is recognised in the appeal proposal by the multi-purpose commercial use proposed for the ground floor, but pub use and/or use by the community is by no means certain and would not compensate for the loss of the existing facility. Notwithstanding the national trend of pub closures, it has not been demonstrated that a viable use cannot be found for this locally listed building in conjunction with development of the rest of the site.
21. The site and the building is pivotal in defining the character of Grove Park as a neighbourhood centre. To be successful, it is important that any replacement building needs to be not only guided by the design principles set out in development plan policies, but outweighs the loss of the existing building in local townscape terms. The design of the replacement retail and residential corner building would be contemporary and includes some defining elements from the local architectural surroundings, which are rather mixed. Its fenestration would reflect aspects of the local street scene with a modern interpretation of the roofscape using some traditional materials such as brickwork and render. This is a positive factor. If the hotel did not exist, the design would lift the quality of the area. It would also provide a useful contribution to housing in the area including affordable housing and this carries important weight.
22. I have some concerns about the proposal to site 3 affordable dwellings very close to the line of the footway in Downham Way (in line with the corner building) which would appear rather out of keeping. Notwithstanding the points raised by local residents regarding the security and safety of future occupants, the private space in front of the houses would be very mean and despite the width of the footway (which I saw is occupied by delivery vehicles on occasion) would appear unnecessarily cramped in the broad Downham Way, the effect accentuated by the steeply sloping roofs. Houses near the back edge of the footway are not a characteristic of this locality. In addition, the flank wall elevation of H1 would be a rather plain and prominent element in Downham Way looking east that would appear at odds with neighbouring development.

23. None of these factors would be decisive on their own, but cumulatively they indicate that, on balance, the proposal would fail to meet the current and emerging aspirations of development plan policy in respect of the character and appearance of future development in Grove Park. Overall, the proposed scheme would redefine Grove Park as a more modern environment with a stronger retail presence. Against that, the existing building has architectural interest, substantial historical interest and a different purpose and function in the street scene which adds very significant quality to the area which is strongly valued by the local community. Whilst the replacement building would satisfy the design quality aims of LonP and CS policies, it has not been clearly demonstrated that the benefits of the new development sufficiently outweigh the harm that would be caused due to the loss of the existing building which has locally significant historic, architectural and townscape quality.

Other matters

24. I have taken into account a revised section 106 unilateral obligation which is intended to ensure that financial contributions would be made towards education, community and facilities, employment and training, leisure and transport as well as other matters including the provision of affordable housing and an on-street car club. Following discussion at the Hearing and having regard to the Council's Supplementary Planning Document *Planning Obligations* of January 2011, I consider that the provisions are directly related to the proposed development, fairly and reasonably related in scale and kind, and would be necessary to make the development acceptable. They meet the tests set out in Regulation 122 of the Community Infrastructure Levy Regulations (2010). However, although signed, the undertaking is undated. It attracts only very limited weight.
25. I have had regard to all the other matters raised including the process by which the design was developed, the generally favourable comments of Lewisham's Design Panel (such criticisms as there were having been addressed) and the appellants' observations on the current difficulties of running pubs successfully, but have decided the appeal on the basis of the extant situation and current and emerging development plan policy.

Conclusion

26. The proposal would not accord with the heritage protection aims of LonP policies, CS policies CS10, CS15, CS16 or spatial policy 5; with saved policies URB3 and URB20; or emerging policy that seeks to protect community facilities in Lewisham. For the reasons given above I conclude that the appeal should be dismissed.

Paul Jackson

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Gerry Cassidy BSc (TP) (Hons) MRTPI	bptw partnership
Niall Cairns BSc (Hons) Dip Arch RIBA	c/o bptw partnership
Kevin Murphy B Arch MUBC RIBA IHBC	KMHeritage Ltd
Terry Alford BA Economics (Hons)	c/o bptw partnership

FOR THE LOCAL PLANNING AUTHORITY:

Joost Van Well	Lewisham Council
Rebecca Lamb BA (Hons) Arch Cons	Conservation officer, Lewisham Council

FOR THE GROVE PARK COMMUNITY GROUP:

Dr Paul Stookes	Richard Buxton Environmental and Public Law
John King	Chairman, Planning and Environment Committee, Grove Park Community Group; also Lewisham Environmental Trust, Lewisham Local History Society
Stephen Kenny	Vice chairman, Grove Park Community Group, also Baring Building Preservation Trust

INTERESTED PERSONS:

Dale Ingram MSc FRSA	London Region Pubs Protection Adviser, on behalf of CAMRA
James Hulme MSc	The Prince's Foundation for Building Community
Cllr Liam Curran	Lewisham Council
Cllr Julia Fletcher	Lewisham Council
Cllr Suzannah Clarke	Lewisham Council
Helen Pink	
Ronald Cooper	Vice chairman, Lewisham Environmental Trust, Lewisham Local History Society
Michael Belbey	

DOCUMENTS

- 1 Letter of notification
- 2 Copies of correspondence from objectors
- 3 Drawing Register, submitted by the appellants
- 4 Viability Study, submitted by the appellants
- 5 Grove Park Community Design Workshop Report on Community Planning
Event held in February 2012, submitted by the Prince's Foundation for
Building Community
- 6 Bundle of correspondence, submitted by the appellants
- 7 Submissions of Grove Park Community Group and other local interested
parties submitted by Mr Stookes (excluding everything after p6)
- 8 Copy of Policies URB 19 and URB 20 from the 2004 UDP, submitted by the

- Council
- 9 Inspector's Report on the Examination into the Lewisham Core Strategy Development Plan Document dated 10 March 2011, submitted by the Council
 - 10 Preserving Local Pubs: Community pubs, preserving buildings and the planning process- record of the Sustainable Development Select Committee dated 23 May 2012, submitted by the Council
 - 11 Pubs in Lewisham: an evidence base study; April 2012 submitted by the Council
 - 12 'Planning Obligations' Supplementary Planning Document submitted by the Council
 - 13 Signed undated Unilateral Undertaking