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## Appeal Decision

Site visit made on 26 June 2018

**by Amanda Blicq BSc (Hons) MA CMLI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18<sup>th</sup> July 2018.**

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**Appeal Ref: APP/X5210/W/17/3191354**

**Pakenham Arms Unit A, Pakenham Street, London WC1X 0LA**

- 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 Pakenham Investments Ltd against the decision of the Council of the London Borough of Camden.
  - The application Ref 2016/6930/P, dated 14 December 2016, was refused by notice dated 3 October 2017.
  - The development proposed is change of use from A4 drinking establishment to B1 office at basement and ground floor (excluding residential apartments entrance lobby and stair well).
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is whether the development would preserve the Grade II listed building of the former Pakenham Arms public house (No 1) or any special architectural and historic interest it possesses; and whether the development would preserve or enhance the character and appearance of the Bloomsbury Conservation Area (BCA), and cause any harm to the significance of the heritage assets.

### Reasons

3. Number 1 is located on a prominent corner plot at the junction of Calthorpe Street and Pakenham Street, within the BCA. The listing suggests it was a late 19<sup>th</sup> century addition to the earlier residential terraces of Calthorpe Street.
4. Sections 16(2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) require special regard to be had to the desirability of preserving a listed building or its setting, or any features of special architectural or historic interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
5. The Act is reinforced by Policy D2 of the Local Plan<sup>1</sup> (LP) which states that the Council will not permit development that results in less than substantial harm to the significance of a designated heritage asset unless the public benefits of the proposal convincingly outweigh that harm. With regard to conservation

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<sup>1</sup> Borough of Tower Hamlets, Development Plan Document, adopted April 2013

- areas, the Council requires that development preserves, or where possible enhances, the character or appearance of an area.
6. This policy also follows the approach set out in the National Planning Policy Framework's (the Framework's) core principles, two of which aim to seek high-quality design and conserve heritage assets in a manner appropriate to their significance. Paragraph 132 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 asset's conservation. It goes on to say that significance can be harmed or lost through alteration or destruction of the heritage asset, or by development within its setting.
  7. The BCA appraisal<sup>2</sup> reinforces my observations that the area is largely made up of 19<sup>th</sup> century terraced housing with a high degree of architectural uniformity<sup>3</sup>. Notwithstanding the adjacent redevelopment of the postal headquarters at Mount Pleasant, the area between Kings Cross and Grays Inn Roads appears to be largely residential and at my visit had a low and intermittent traffic flow.
  8. To the west, there is a small cluster of largely independent businesses, retail outlets and cafes at the junction of Grays Inn Road and Calthorpe Street. The pedestrians I observed in the area were entering or exiting dwellings, or appeared to be visiting nearby shops and cafes. To the east, the nearer junction of Calthorpe Street and Kings Cross Road has a more commercial character with a large hotel, and an outlet for the restaurant chain Belgo. There were people relaxing mid-morning in the nearby St Andrews Gardens, sitting outside tiny cafes and visiting the Calthorpe Community Project site. These observations led me to conclude that the area has a predominantly quiet residential character, and that the smallest public and commercial spaces can facilitate informal social interaction in this densely built up area.
  9. Number 1 occupies a prominent position at the junction of Pakenham and Calthorpe Streets. At ground level its doors and windows wrap around the full extent of the curved corner site, and the pilasters and first floor cornice, together with the projecting central bay and stucco quoins, raise its level of ornamentation above that of the lines of attached terraced dwellings.
  10. As such, No 1 has aesthetic and historic significance arising from its distinctive architectural qualities and is also a focal point in the wider street scene of long terraces of classically proportioned, but less ornamented dwellings. I conclude that No 1's significance derives from its design features and historic fabric, and that its visual relationship with the street reflects its former social and functional community role.
  11. The significance of the BCA is largely derived from the quality and extent of the historic fabric and the largely unaltered 19<sup>th</sup> century building pattern within which the original mix of residential, retail and small scale industrial use is still evident.
  12. The development would comprise the use of No 1's ground floor and windowless basement as a small office. It is not a matter of dispute between the parties that No 1 is no longer viable as a public house. The dispute is the extent to which the proposed office use enables the pub to be conserved in a manner appropriate to its heritage significance, as set out in LP Policy C4.

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<sup>2</sup> Bloomsbury Conservation Area Appraisal and Management Strategy, adopted April 2011

<sup>3</sup> Sub Area 14 Calthorpe/Frederick Street

13. The photographs taken when No 1 was in use as a public house, demonstrate that outdoor seating and an inviting and prominent façade gave the street scene a vitality and interest, and reinforced No 1's prominence as a focal point.
14. The proposed use would be unlikely to generate more than limited level of activity associated with the arrival and departure of workers. It would be highly unlikely to encourage or even allow visibility into the ground floor from street level, or make use of the external forecourt area. There would be no inherent social or functional link between the premises and its surroundings.
15. The reduced visual impact of No 1 on the street scene compared to its former public house function is already evidenced by its lack of signage and a bland and uniform white paint finish. This diminishes No 1's underlying features with regard to its appearance and contribution to the street scene.
16. In the light of the above, I conclude that although office use could allow the sustainable commercial use of No 1's ground floor and basement, it would diminish No 1's the social and historic interest. It would neither make a positive contribution to the character and appearance of the area, nor would it preserve or enhance No 1's visual and architectural importance. That in turn would fail to be reflective of No 1's historic significance.
17. As such, the development would be detrimental to No 1's significance, contrary to LP Policy C4 which states that where a pub is a heritage asset, it should be conserved in a manner appropriate to its heritage significance. The proposals would also reduce the visual prominence and functional role of No 1 within the BCA and consequently would fail to preserve or enhance the character and appearance of the BCA. This would also be detrimental to the significance of the BCA. Finally, the proposals would fail to accord with the provisions of the Act in respect of the listed building or the conservation area. This would constitute less than substantial harm.
18. LP Policy D2 is concerned with the planning balance where a development would cause less than substantial harm. This is considered below.

*Fall back scheme*

19. The heritage statement concludes that retail or office uses would be viable optimum and alternative uses, and there is an extant permission for a retail unit. The applications for change of use to retail and office use appear to have been submitted contemporaneously. However, there is nothing before me to suggest that the appellant has now concluded that a retail outlet would not be viable. Retail use would be likely to generate more activity on the street than the proposed office use and would also have the benefit of providing a degree of social interaction in this largely residential community.
20. Planning Practice Guidance (PPG) states that where there is a range of alternative uses, the optimum use is that likely to cause the least harm to the significance of the heritage asset. In this instance I conclude that the significance of the site would be better served by its use as a small scale retail unit rather than office use. This would be reflective of its social history and prominent position within these quiet residential streets. Given the heritage value, context and significance of No 1, I conclude that it is reasonable for planning permission to be refused on the basis that the office use would not provide a community facility.

### *Other matters*

21. The appellant argues that a material consideration for this appeal is that in giving permission for the retail unit, the Council has allowed a non-community use. A large proportion of the appellant's statement is given over to a consideration of whether retail use should or should not be considered as a community facility or social infrastructure.
22. The officer's report for the extant permission states that a retail use would align with its policies in respect of the quantity and location of retail development, and *would allow people to linger within the unit and meet other members of the local community, particularly if the end users included some café space/seating*. The report concludes that retail use *would appropriately provide for the local community in a manner that other uses could not and also remain sensitive to the listed building, its historic character and significance as well as the wider conservation area*. On the basis of my visit and the evidence before me, I see no reason to disagree with the Council's reasoning in this regard. Although the former pub had some deficiencies it represented a community use. Likewise a shop would represent a community facility in ways that office use would not.
23. Although local shops are in a different Use Class from the other examples of community facilities listed in Paragraph 70 of the Framework, it remains that they are included in that list. I see no reason why a retail outlet in this location could not provide day to day needs for the local community, in line with the over-arching purpose of Paragraph 70. Furthermore, Policy 4.8 of the London Plan (MALP) states that planning decisions should *support convenience retail particularly in district, neighbourhood and more local centres, to secure a sustainable pattern of provision and strong lifetime neighbourhoods*. There is nothing in this policy to suggest that it applies solely to existing shops. Furthermore, this policy also indicates that small local shops can provide social infrastructure.
24. I acknowledge that the Council has not provided any substantiating evidence with regard to the alleged deficit of retail units in the area. However, as the officer's reasoning supported the Council's approval of the extant permission it seems illogical for the appellant to now advance the argument that that reasoning lacks substance, and I give it little weight. In any case, there is nothing before me to suggest that there is a deficit of office space in the area and even if there is, office space will be provided as part of the Mount Pleasant redevelopment.
25. Although not economically viable as a public house, and lacking function rooms or a beer garden, it does not necessarily follow that No 1 did not further social well-being, albeit on an informal level. Moreover the petition, which states *the pub was a much loved part of the local community*, demonstrates No 1's former community value. This is supported by the consultation responses from the BCA Advisory Committee and CAMRA. I appreciate that No 1 was not listed as an Asset of Community Value but there may be many reasons why this did not occur. I am not satisfied that it necessarily signifies a lack of community interest.
26. In any case, the significance of No 1's social and community role and its relationship with the building and its context, has to be considered over a far longer period than its most recent history as a lock-up pub. This is outlined in

my reasoning with regard to No 1's significance in heritage terms. The determinative factor in this appeal is whether this significance should give weight to the consideration of No 1's future use. I have concluded that it should. Furthermore, although I acknowledge that office use would provide a sustainable commercial use, in this case there appears to be a viable fall-back scheme that could also allow No 1 to continue to have a social and community role. That there are alternative community facilities and pubs in the area does not diminish the importance I give to social interaction in relation to this particular heritage asset.

27. A number of appeal decisions have been brought to my attention where Inspectors have concluded that pubs that lack formal function rooms or outdoor space for example, cannot be considered as community facilities. However, I have limited information available to me in respect of the specific details or heritage context of those appeals. In any case, each appeal is determined on its merits.
28. I appreciate that No 1 catered for postal workers in the past. However, the redevelopment of the Mount Pleasant site will include floor space for residential, retail and office accommodation. There is nothing before me to suggest that the redevelopment of that site would not result in an increased customer base for a retail outlet.
29. The appellant notes that the development would be consistent with the varied character of the BCA as there are a range of commercial uses at street corners at lower ground floor level in the area, but I did not notice any such premises, whether used as offices or not, at my visit.

#### *Planning balance*

30. LP Policy D2 requires the public benefits of a development to convincingly outweigh less than substantial harm to a heritage asset. This is broadly supported by Paragraph 134 of the Framework. The PPG defines public benefit in this regard as *of a nature or scale to be of benefit to the public at large and should not just be a private benefit*.
31. The appellant argues that there is a choice between office use or leaving No 1's ground floor empty. However, notwithstanding the extant permission, there are high specification flats on No 1's first and second floors and consequently it seems unlikely that the premises would be allowed to degenerate. I give this argument little weight as a public benefit.
32. Consequently, I conclude there would be no public benefits to outweigh the less than substantial harm I have identified above in relation to the listed building and the BCA. The development would therefore be contrary to LP Policy D2 as outlined above.

#### **Conclusion**

33. For these reasons and taking all matters into account I conclude that the development would be contrary to the relevant policies of the Council's Local Plan, the Framework and the Act and that therefore the appeal should be dismissed.

*Amanda Blicq* INSPECTOR