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# Appeal Decision

Site visit made on 9 September 2015

**by Michael Boniface MSc MRTPI**

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

**Decision date: 29 September 2015**

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**Appeal Ref: APP/G5750/W/15/3006777**

**Fox & Connaught, Lynx Way, London, E16 1JR**

- 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 S Evans against the decision of the Council of the London Borough of Newham.
  - The application Ref 14/00986/FUL, dated 8 May 2014, was refused by notice dated 17 September 2014.
  - The development proposed is an 84 bedroom hotel and associated landscaping.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Since the Council issued its decision, the Further Alterations to the London Plan (FALP) (March 2015) have been published. Both parties have had the opportunity to consider these policies and I have taken them into account, as part of the development plan for the area, in reaching my decision.

## Main Issues

3. The main issues are the effect on the character and appearance of the area; whether the setting of the adjacent Grade II listed building, the Fox & Connaught public house, would be preserved; whether suitable energy efficiency measures would be incorporated within the scheme; and the effect on regeneration objectives.

## Reasons

### *Character and appearance*

4. The site comprises a car park and grass area associated with the Fox & Connaught public house. Lynx Way, a narrow one-way road descends from Connaught Bridge and wraps around the site. A large Premier Inn hotel is located on the other side of Lynx Way and the public house stands directly adjacent to the site. Major roads and the Docklands Light Railway (DLR) are also in close proximity.
5. The proposed hotel would be located within the loop created by Lynx Way on a currently open part of the site. It would rise to 6 storeys, the top floor being contained within a mansard roof. Whilst lower in height than the nearby

- Premier Inn, the proposed building would be somewhat taller than the public house and would stand in close proximity.
6. The Appellant suggests that the building does not seek to compete with the traditional design and appearance of the public house, instead being designed to appear unashamedly modern so as to provide a visual contrast. This approach is only partially evident in that the proposed design does not reflect the appearance and architectural embellishments of the public house, notwithstanding proposals to use a similar brick. I do not consider the proposed design would add anything to the area in terms of architectural flair or contemporary design quality and whilst the building would contrast the appearance of the public house, it would fail to provide a similar quality in design and appearance so as to avoid detracting from the character of the area.
  7. The building would have a staggered plan form incorporating stairs on three sides, resulting in blank elevations and large expanses of brickwork across many of the prominent elevations, including on views from the busy Royal Albert Way. As a result, and given the very limited number of openings and their small size, the building would appear to turn its back on these public areas. Furthermore, the mansard roof would appear bulky, top heavy, and overly complex in form, resulting in odd and displeasing proportions for the building. This element of the scheme neither serves to provide a modern appearance, nor a sensitive reflection of the simple mansard features evident on the adjacent listed building.
  8. I note that the existing hotel adjacent the site is modern in design but its form, articulation, use of contrasting materials and design features such as the overhanging roof and angular balconies differentiate this example of modern design from the appeal scheme. I do not consider the two to be comparable in design terms. Furthermore, I agree with the Council's view that if allowed, poor quality design, contrary to the objectives of the Framework, would be likely to undermine the wider design quality of the area and set an undesirable precedent for future development within the regeneration area, notwithstanding the need to consider each proposal on its own merits.
  9. Overall, I conclude that the design of the building, its interaction with the public realm and the effect on the character and appearance of the area would be harmful. In these respects, the development would be contrary to Policies 7.1, 7.4, 7.6 and 7.7 of the FALP, which require high quality design that reinforces and enhances the character and legibility of the area, allowing existing buildings and structures that make a positive contribution to the character of place to influence the future character of the area. As well as being of a proportion, composition and orientation that enhances, activates and appropriately defines the public realm and development which is appropriate in terms of height in the context of other buildings; Policies S4, SP1, SP2, SP3, SP4 and SP7 of Newham's Local Plan – The Core Strategy (CS) (2012), which have similar objectives to seek environmental quality and a high standard of design, promote local distinctiveness, ensure buildings are appropriate in terms of height and which provide active frontages that stimulate social activity.

#### *Setting of listed public house*

10. The public house was formerly known as The Connaught Tavern and the submitted Heritage Statement explains that it was built to serve workers at the

nearby docks. It goes on to suggest that the design and appearance of the building would reflect detailed design features such as the plan form, brick plinth and cornice detailing but this is at odds with my own conclusions as set out above. Whilst attempts have been made in these regards to reflect some of the design characteristics of the public house, this would not successfully integrate in my view and, as set out above, the design appears to have emerged as a result of a design philosophy to produce a contrasting modern building in this case.

11. Neither the Heritage Assessment nor the Council seek to identify the significance of the open space forming the site in the context of the listed building, but I accept that the area, currently used as a car park, is now largely influenced by modern development in the form of the adjacent hotel, other buildings and the raised highways surrounding. That said, the open nature of the site continues to provide a degree of separation from these features and the open, verdant grounds surrounding the pub clearly contribute to its setting.
12. I have already identified that the proposed building is inappropriate in design terms, failing to respect the detailed design features of the public house, but also failing to provide a suitable contrast that would clearly distinguish the buildings as examples of purposefully different examples of architecture of their time. This, coupled with the close proximity of the proposed building and its height, would result in a visually intrusive and dominating form of development that would fail to preserve the setting of the public house.
13. In terms of paragraph 134 of the Framework, this would amount to less than substantial harm. I recognise that the development would generate economic development, including employment opportunities both during construction and on completion, and that the scheme might assist in providing patrons to the pub that would support the ongoing use of the listed building. However, having considered the public benefits outlined by the appellant, these do not outweigh the harm that would result to the setting of the listed building.
14. As such, the development would be in conflict with Policies 7.4, 7.7 and 7.8 of the FALP, which seeks to allow existing buildings and structures that make a positive contribution to the character of place to influence the future character of the area and to protect listed buildings and their setting; and Policies SP1, SP4 and SP5 of the CS, which require that design responds to heritage, cultural and infrastructural assets and conserve or enhance heritage assets and their setting, amongst other things.

#### *Energy efficiency*

15. Concerns are raised that the application does not include a detailed Energy Statement to ensure that the development would incorporate suitable energy efficiency techniques, renewable energy sources and sustainability measures. While this is so, the appellant indicates a willingness to address this matter by condition and the Council has not provided any evidence to suggest that this would not satisfactorily deal with the issue. Provided suitable measures are agreed in advance of development commencing, I see no reason why they could not be secured by condition and ultimately incorporated into the scheme.
16. As such, I find no conflict with Policies 5.1, 5.2, 5.3, 5.6, 5.7, 5.8, 5.9, 5.10 and 5.11 of the FALP which seek to contribute to the management of climate change and promote energy efficiency; or Policies S1, S4, SP2, SP3, SP4, SC1

and SC2 of the CS which support the provision of a decentralised energy network in the Borough, seek to minimise environmental impact and mitigate against climate change and to encourage the use of renewable energy so as to reduce carbon emissions.

### *Effect on regeneration*

17. The Council accepts that a hotel in this area is appropriate in principle, particularly given its status as an employment hub<sup>1</sup>, notwithstanding some concerns regarding the number of hotels built or granted planning permission in the local area. However, it considers that the proposed development cannot be considered in isolation as it would be likely to prejudice wider master planning in the area, referred to as the New Urban Quarter. That said, no detailed proposals have been identified, nor has this site been highlighted for a specific alternative purpose. Whilst master planning in regeneration areas is desirable, I do not consider it reasonable to require such plans to be produced by individual developers, particularly in respect of small sites such as this.
18. I have seen nothing that suggests that the proposal would jeopardise the wider delivery of future regeneration proposals in the area and the small scale of the site would not in my view fundamentally undermine any wider scheme. Although the scheme does not include any public realm improvements or any detailed landscaping proposals, in the absence of detailed plans from the Council, I do not consider it necessary that this scheme deliver such improvements. In this instance, a condition would be sufficient to secure appropriate landscaping within the site if planning permission was granted.
19. As such, I do not consider that the proposal would appear piecemeal or that it should be considered premature, particularly in light of advice in Planning Practice Guidance<sup>2</sup> which suggests that this is unlikely to justify the refusal planning permission.
20. I note suggestions that a lower star rated hotel would generate less employment than a higher rated hotel but there is no evidence to suggest that a low rating would result, particularly in light of the appellant's contrary evidence and proposals to achieve a four star rating. As such, I attach this matter little weight.
21. Overall, I see no reason why the proposed development would prejudice or undermine regeneration efforts in the wider area. As such, I find no conflict with Policies 7.1, 7.5 and 7.7 of the FALP; or Policies S1, S4 and SP1 of the CS in so far as they set out the wider strategy for development in the area.

### **Other Matters**

22. I have had regard to the presumption in favour of sustainable development advocated by the Framework but given the significant environmental harm that I have identified, the development cannot be considered to constitute sustainable development for the purposes of the Framework.
23. I note that the FALP offers support for increasing the number of hotel rooms across London but this matter, even considered cumulatively with the other

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<sup>1</sup> As per Newham's Local Plan – The Core Strategy (2012)

<sup>2</sup> Reference ID: 21b-014-20140306

potential benefits highlighted, do not outweigh the harm that I have identified in respect of the main issues.

24. The appellant has provided a range of photographs showing various forms of modern development close to other listed buildings in the local area. Whilst I have had regard to these, they involve modern buildings of an entirely different design to that now proposed, different listed buildings and a different location. I have seen no example which is directly comparable to the appeal proposal and, therefore, I attach this matter little weight.

### **Conclusion**

25. In light of the above, and having considered all other matters, the appeal is dismissed.

*Michael Boniface*

INSPECTOR