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# THE BLACK LION PH 2 SOUTH BLACK LION LANE HAMMERSMITH & FULHAM HERITAGE IMPACT OBJECTION REPORT

Application No.2021/00256/LBC + 255/FUL



March 2021

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## Summary

This report supports local resident objections to applications for listed building consent and planning permission to retain outdoor plastic carpeting, tented structures, erect fencing and piers. It also draws attention to unauthorised completed works and works in progress which require effective, appropriate enforcement action, including:

Fixed timber seating shelters  
Timber shed  
Internal alterations to Skittle Alley  
External redecoration

Retention of tents, already in place for nearly a year, and unauthorised works are opposed because:

- They harm the setting of Grade II and II\* listed buildings
- They harm the character and appearance of the Mall Conservation Area
- They promote excessive intensification which constitutes ongoing nuisance, risk to health and safety of people and property by exceeding reasonable customer capacity, access and servicing difficulties, noise, anti-social behaviour, light pollution, sleep deprivation and public leisure enjoyment.

Residents deplore the recent Ministerial announcement of suspension of planning regulations, allowing pubs to erect closed-sided marquees without permission for a limited period. Overwhelming public reaction to the announcement already recognises there is no practical distinction between closed tents (in which social distancing is not effectively managed or practiced and smoking is not permitted) and indoor hospitality, which is not being relaxed.

In any event, permission, whether “temporary” or permanent should not be granted because it would disregard and fly in the face of primary planning legislation, statutory policy, government policy and national guidance for a far longer period than currently deemed permissible by a Minister of State.

The Black Lion has been loved and supported by its local residents for centuries. Its local associations include famous actors, artists, writers, educators, such as George Bernard Shaw, May Morris, Douglas Fairbanks Jr., Sir Michael Redgrave, Sir Alan Herbert (lived at No. 12 Hammersmith Terrace), Errol Flynn and William Morris’ friend Emery Walker, whose former home at No 7 Hammersmith Terrace, Listed Grade II\* is a public attraction, and many more. But residents maintain there’s no excuse for delay in dealing with the full extent, over time of planning law violations on this site. They rightly expect fast and effective action to bring owners and managers within the same laws and regulations to which they themselves are subject in their own properties.

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## Introduction

1. This report is submitted on behalf of local residents in the area of Hammersmith Terrace and South Black Lion Lane near the Grade II listed Black Lion public house. It considers evidence concerning the impact of the present owner's activities, including flouting planning regulations, enforcement history, the Authority's duties and the merits of current retrospective Application Nos.2021/00256/LBC and 255/FUL, on the setting of the building, the character of the Mall Conservation Area and the amenity of neighbouring residential occupiers, of which Hammersmith Terrace and South Black Lion Lane are the worst affected.

- The retrospective applications seek consent for:
- Laying plastic carpet over the cleared former car park
- Retention of three tented structures erected in the garden and former car park
- Erection of new fencing and piers on the S boundary.

2. I inspected the publicly accessible areas around the site on 17 March 2021. I observed and have been advised of certain works of alteration and extension requiring planning permission but not included in the above or any previous applications. These include:

- A timber enclosure, containing fixed tables and seating, approx. 2.3m high and 12m long, along the SE boundary with The Thames Path, a public highway.
- Alterations to the Skittle Alley forming part of the listed building
- A timber structure attached to the Skittle Alley
- Scaffolding erected around the principal building for the apparent purpose of carrying out unspecified works across the façade.

3. Although the pub is currently closed, residents have provided me with written and photographic evidence corroborating both the physical and environmental/amenity impact of the above and other alterations over a period during 2020 when the pub was permitted to open. In consequence, assessment of future impact can rely on evidence of actual experience rather than speculation.

4. In respect of all these structures I consider the relevance of Sec. 66-1 and 72-1 of the Planning (Listed Building and Conservation Areas Act 1990), National and local policy and guidance. In addition to any other planning considerations, critical issues arising from both the applications and omissions thereto must be included:

1. The effect of the proposed development on the setting of Grade II listed buildings.
2. The effect on locally listed buildings
3. The impact on the character or appearance of the Mall Conservation Area
4. Impact on the local environment and neighbour amenity.

5. The following photographs record conditions on 17 March 2021



Scaffolding in progress, preparatory for exterior works. Note St Peter's Church to left



SW corner, plastic grass, marquee in place, railings proposed to match existing



S boundary, open setting/view from Thames Path, (see remains of chain bollards) impeded  
Note alien materials, exposed/vulnerable electrical wiring. Inset- internal view



Eradication of open garden setting, alien, poor quality structures.



Detracts from wider setting + experience of listed and locally listed houses



Playground and open space adjacent to River and Thames Path bounding pub site



Tent structure covering most of rear garden area. Note exposed electrical cables, lights strung across garden



Tent and unauthorised timber structures adjacent to listed Skittle Alley





Harm to setting of pub, other listed and locally listed buildings from Thames Path



Severe harm to pub setting. Proposed railings and heavy piers are incompatible with style and period of building, will compound visual harm and sense of enclosure. The houses visible in the are all either listed or locally listed.



Harm to setting viewed through historic pumping station arches bounding public open space



Many Samels Court flats look over both pub garden and Grade II\* St Peter's Church



View from outside No 12 Hammersmith terrace - tent prominent in approach to pub garden



No 7 Hammersmith Terrace, left. Grade II\* listed, the former home of English engraver and printer Emery Walker. Open to the public. Walker was an important figure in the English Arts and Crafts movement, a close friend of William Morris, conservation campaigner, designer, author, philosopher and social reformer, who lived nearby.

## Legislation

6. Primary legislation cited above carries a presumption in favour of preservation of buildings and structures within the curtilage of listed buildings and its setting. Landmark court cases e.g. Barnwell vs East Northamptonshire DC 2014 confirm the presumption in favour of preservation of setting:

“The presumption is statutory. It is not rebuttable. In weighing all relevant considerations, a planning authority must be conscious of the statutory presumption in favour of preservation and if it demonstrably applies that presumption to the proposal it is considering.” [R (Forge Field Society) v Sevenoaks District Council [2014] EWHC 1895 (Admin), Lindblom J]

7. The Black Lion was listed in 1970. The statutory list description has never been updated and is clearly insufficient. Its interior was not inspected, nor was its setting considered. Statutory protection of setting was only conferred in the 1990 Act.

## Listed building settings affected

TQ 2278 SOUTH BLACK LION LANE W6 6/80 NGR: TQ2216178273

12.5.70 The Black Lion Public House - II

Late 18th century. Much altered. Three storeys, three windows. Brick, stuccoed and painted. Later c19 window and 2 doors to ground floor. Recessed sashes, some glazing bars. Tiled roof. Later single storey, two windows, extension to the north. Interior modernised.

Also Listed Grade II, to the SW, in 1954:

TQ 2278 HAMMERSMITH TERRACE W6 6/76

17.6.54 No 1A, Nos 1 to 6 (consec) and Nos 8 to 16 (consec) GV II NGR: TQ2211978229  
Terrace of houses. Circa 1760-70. With alterations. Brown brick and some stucco. 3 and 4 storeys and basements. North elevation - 2 windows each, Nos 1, 3 and 4 rendered fronts; No 6 partly rendered and 6-14 stucco to ground floor. Rough segmental arches and some near-flush frames to windows. Mostly stucco. Doric porches. No 1A has mid 19th century shop window No 2 cast-iron trellis porch. No 5 wood trellis porch. Wrought-iron railings to basement areas. South (garden) elevation facing river forms the principal front having 3 windows to each house, except No 1A. LCC plaque on No 3 to Edward Johnston, master calligrapher, who lived there from 1905 to 1912.

TQ 2278 BLACK LION LANE W6 6/58 NGR: TQ2215578399

17.6.54 Church of Saint Peter - Grade II\*

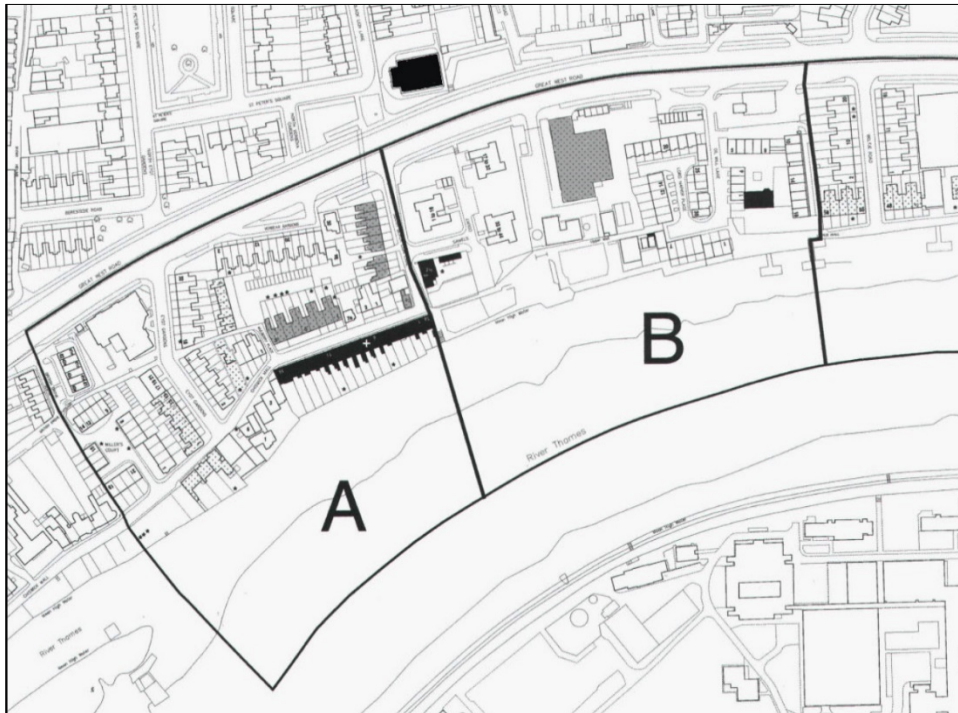
1827. By Edward Lapidge. Yellow brick with stone dressings. West front symmetrical. Tetrastyle pedimented portico with enlarged Ionic columns. Stone pedimented entrance on axis. Pilastered octagonal tower above with cupola and clock. Interior with gallery supported by Doric columns to three sides. Neo-Romanesque font, pulpit and choir furniture, probably mid 19th century.

TQ 2278 HAMMERSMITH TERRACE W6 NGR: TQ2212178230

6/77 No 7 GV II\*

Terraced house, c1760-70. Brown brick with stucco to ground floor. Four storeys, two windows wide. Doric porch. Main elevation to south side. William Morris decoration, furniture, wallpaper etc. Home of Sir Emery Walker, typographer and antiquary, 1903-33 (LCC plaque). COUNTRY LIFE 14-5-1964.

8. The map below identifies both listings as within character areas A and B of The Mall Conservation Area. The Church of St Peter is within the St Peter's Square CA. The applicant's Statement acknowledges the location as within the Thames Policy Area, Thames Path National Trail, a Nature conservation area, an Environment Agency flooding risk area and near a location of protected riverside views.



Historic assets affected

Black = listed  
Grey = local merit



Aerial view showing key designations in the area of the Black Lion  
Red=listed; Yellow=locally listed; green=public open space

9. Attached to the Black Lion's principal building, the Skittle Alley is an historic outbuilding whose fabric and setting also are subject to the same listed building control and protection of setting.

10. 1990 Planning (Listed Buildings and Conservation Areas) Act states:

Sec 66.—(1) In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

And

Sec 72.—(1) In the exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions mentioned respects in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

11. The 1990 Act confers the same level of protection to the setting of Hammersmith Terrace as to the Black Lion. Nos. 1 and 5-21 South Black Lion Lane are classed as undesignated assets, included in the Council's Conservation Area Statement as Buildings of Merit or "locally listed."

## **National Planning Policy**

12. The National Planning Policy Framework (NPPF) Glossary, and National Planning Policy Guidance (NPPG) define setting in relation to listed buildings and conservation areas as follows:

### **NPPG**

Any decisions relating to listed buildings and their settings and conservation areas must address the statutory considerations of the Planning (Listed Buildings and Conservation Areas) Act 1990 (see in particular sections 16, 66 and 72) as well as satisfying the relevant policies within the National Planning Policy Framework and the Local Plan.

Being able to properly assess the nature, extent and importance of the significance of a heritage asset, and the contribution of its setting, is very important to understanding the potential impact and acceptability of development proposals

A thorough assessment of the impact on setting needs to take into account, and be proportionate to, the significance of the heritage asset under consideration and the degree to which proposed changes enhance or detract from that significance and the ability to appreciate it.

[NPPF Glossary]

**Setting is the surroundings in which an asset is experienced, and may therefore be more extensive than its curtilage. All heritage assets have a setting, irrespective of the form in which they survive and whether they are designated or not.**

The extent and importance of setting is often expressed by reference to visual considerations. Although views of or from an asset will play an important part, the way in which we experience an asset in its setting is also influenced by other environmental factors such as noise, dust and vibration from other land uses in the vicinity, and by our understanding of the historic relationship between places. For example, buildings that are in close proximity but are not visible from each other may have a historic or aesthetic connection that amplifies the experience of the significance of each.

The contribution that setting makes to the significance of the heritage asset does not depend on there being public rights or an ability to access or experience that setting. This will vary over time and according to circumstance. When assessing any application for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change. They may also need to consider the fact that developments which materially detract from the asset's significance may also damage its economic viability now, or in the future, thereby threatening its ongoing conservation.

### 13. Relevant NPPF policies include:

189. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.

190. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this into account when considering the impact of a proposal on a heritage asset, to avoid or minimise any conflict

192. In determining applications, local planning authorities should take account of:

- a) the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- b) the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- c) the desirability of new development making a positive contribution to local character and distinctiveness.

193. 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.

194. 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. Substantial harm to or loss of:

- a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;
- b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, grade I and II\* listed buildings, grade I and II\* registered parks and gardens, and World Heritage Sites, should be wholly exceptional. **(Note: this higher test applies to No. 7 Hammersmith Terrace)**

195. Where a proposed development will lead to substantial harm to (or total loss of significance of) a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or total loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- a) the nature of the heritage asset prevents all reasonable uses of the site; and
- b) no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- c) conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- d) the harm or loss is outweighed by the benefit of bringing the site back into use.

196. Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

197. The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

200. Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites, and within the setting of heritage assets, to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to the asset (or which better reveal its significance) should be treated favourably.

## **Hammersmith and Fulham Local Plan - relevant extracts**

14.

12.2 The existing character of the borough is heavily influenced by a variety of historical, landscape and architectural assets. Some of these are of national importance, such as listed buildings and the Fulham Palace Moated Site, whereas others are of borough importance, including archaeological priority areas (see Appendix 5) and locally listed buildings of merit. However, whether they are of national or local importance, they should be considered in all developments in accordance with the policies of the **National Planning Policy Framework (NPPF)** and the associated **Historic England Historic Environment Planning Practice Guide**

### **POLICY DC4 ALTERATIONS AND EXTENSIONS (INCLUDING OUTBUILDINGS)**

The council will require a high standard of design in all alterations and extensions to existing buildings. These should be:

- compatible with the scale and character of existing development, neighbouring properties and their setting;
- successfully integrated into the architectural design of the existing building; and
- subservient and should never dominate the parent building in bulk, scale, materials or design.

### **POLICY DC8 HERITAGE AND CONSERVATION**

The council will conserve the significance of the borough's historic environment by protecting, restoring and enhancing its heritage assets. These assets include: listed buildings, conservation areas historic parks and gardens, the scheduled monument of Fulham Palace Moated site, unscheduled archaeological remains and buildings and features of local interest. When determining applications affecting heritage assets, the council will apply the following principles:

- a. the presumption will be in favour of the conservation, restoration and enhancement of heritage assets, and proposals should secure the long term



- future of heritage assets. The more significant the designated heritage asset, the greater the presumption should be in favour of its conservation;
- b. applications affecting designated heritage assets, including alterations and extensions to buildings will only be permitted if the significance of the heritage asset is conserved or enhanced;
  - c. applications should conserve the setting of, make a positive contribution to, or reveal the significance of the heritage asset. The presence of heritage assets should inform high quality design within their setting;
  - d. applications affecting non-designated heritage assets (buildings and artefacts of local importance and interest) will be determined having regard to the scale and impact of any harm or loss and the significance of the heritage asset in accordance with paragraph [135] of the National planning Policy Framework;
  - e. particular regard will be given to matters of scale, height, massing, alignment, materials and use;
  - f. where changes of use are proposed for heritage assets, the proposed use, and any alterations that are required resulting from the proposed use should be consistent with the aims of conservation of the asset's significance, including securing its optimum viable use;
  - g. applications should include a description of the significance of the asset concerned and an assessment of the impact of the proposal upon it or its setting which should be carried out with the assistance of a suitably qualified person. The extent of the requirement should be proportionate to the nature and level of the asset's significance. Where archaeological remains of national significance may be affected applications should also be supported by an archaeological field evaluation;
  - h. proposals which involve substantial harm, or less than substantial harm to the significance of a heritage asset will be refused unless it can be demonstrated that they meet the criteria specified in paragraph [133 and 134] of the National Planning Policy Framework;
  - i. where a heritage asset cannot be retained in its entirety or when a change of use is proposed, the developer should ensure that a suitably qualified person carries out an analysis (including photographic surveys) of its design and significance, in order to record and advance the understanding of heritage in the borough. The extent of the requirement should be proportionate to the nature and level of the asset's significance;
  - j. the proposal respects the principles of accessible and inclusive design;
  - k. where measures to mitigate the effects of climate change are proposed, the applicants will be required to demonstrate how they have considered the significance of the heritage asset and tailored their proposals accordingly;
  - l. expert advice will be required to address the need to evaluate and conserve archaeological remains, and to advise on the appropriate mitigation measures in cases where excavation is justified; and
  - m. securing the future of heritage assets at risk identified on Historic England's national register, as part of a positive strategy for the historic environment.

Justification 12.41 Planning [listed buildings and conservation areas] act 1990 sets out the principal statutory duties which must be considered in the determination of any application affecting listed buildings or conservation areas. The Act requires local planning authorities to:

- Have special regard to the desirability of preserving the [listed] building or its setting or any features of special, architectural, or historic interest which it possesses

- Pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.

15. The above sections confirm the Council's statutory planning policies fully mirror those of the Act and NPPF.

### **Application form - comments**

16.

Sec 9 confirms the development has already been in place for 1 year.

Sec 20, vehicle parking has been answered incorrectly. The existing parking provision is in fact already removed.

Sec 34 claims there is no increase or decrease in the number of employees

Sec 35 claims opening hours are not relevant to the proposal

### **Enforcement history**

17. A long history, some 15 cases since 2001, of enforcement action, omitted from the applicant Statement's "Planning History" section, is set out in the Council's website information sheet. However, all are marked CLOSED and no details are available of the nature of cases or action, if any, taken.

### **Heritage Harm - summary**

18. Structures/works not applied for

- Unknown external works/decoration/etc.
- Timber booths
- Timber structure attached to skittle alley

19, Tents/plastic grass/railings

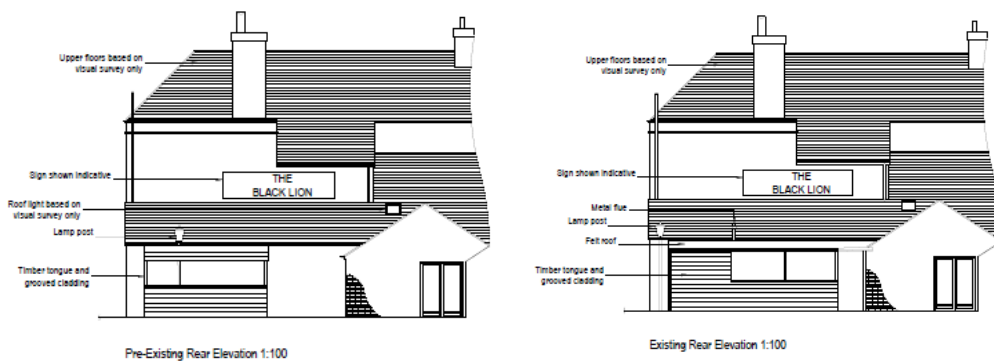
- Obliterate openness
- Poor quality
- Impede numerous views within and around site
- Negative, depressing experience
- Damage significance of asset incl skittle alley
- Damage significance of neighbouring assets
- Impedes outlook from garden
- Inappropriate surfacing/floorscape for historic site
- Inferior railings, alien to period, heavy masonry piers detract from setting



2019 photo showing pre-development open car park and servicing area, adjacent to Thames Path

20. The latest planning history relating to currently standing structures applied for is 2017/03530/LBC retention of a very shallow roofed, single storey timber clad rear extension projecting from an existing slate covered extension. The submitted drawings illustrate designs whose evident character appears ad hoc and temporary:

A “pre-existing” timber structure and an “existing structure” to be retained



21. search of the planning register and interrogation of the submitted Heritage Statement confirms the pre-existing structure itself was *fait accompli*, i.e., it was erected without permission. The submitted application, for a structure enlarged without permission, was approved.

22. No records exist confirming permission for any other structures built since 2017. These include at least 4 permanent timber structures, the plastic grass laid over the existing paved floorscape, and the 3 tented structures. Although various enforcement cases appear in the planning history all are simply marked CLOSED with no details publicly accessible.

23. It does appear therefore that, not only is the present management's policy to flout the planning system in what it eventually applies to retain, but habitually hides from applying for other unauthorised work in the hope that the Authority will not notice or practice due diligence, invoking the law.

24. With the cumulative, in my view wrongly permitted, enclosure of setting, the relative importance of the last remaining glimpse of openness now takes on far greater significance than at any previous time.

The NPPF defines the setting of a heritage asset as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral."

25. The statutory duty to give "special attention" to protecting the settings of listed buildings only dates from the 1990 (i.e., current) Act effectively introduces a "presumption in favour of preservation" of setting for the first time, paving the way for PPG15 in 1994 which includes:

26. Extract - PPG15 Sept 1994 - the first government policy to approach a definition of setting.

**2.16** Sections 16 and 66 of the Act require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of the building's character, especially if a garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and ***they can be robbed of much of their interest, and of the contribution they make to townscape or the countryside, if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.*** [emphasis added].

## Historic England advice

27. Closely following NPPF/NPPG, Historic Environment Good Practice Advice in Planning Note 3: The Setting of Heritage Assets (Historic England, 2015) is the most up-to-date authoritative guidance relating to setting. Relevant extracts explained in this document are as follows:

The NPPF makes it clear that the setting of a heritage asset is the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral. All of the following matters may affect the understanding or extent of setting:

- While setting can be mapped in the context of an individual application or proposal, it does not have a fixed boundary and cannot be definitively and permanently described for all time as a spatially bounded area or as lying within a set distance of a heritage asset because what comprises a heritage asset's setting may change as the asset and its surroundings evolve or as the asset becomes better understood or due to the varying impacts of different proposals; for instance, new understanding of

the relationship between neighbouring heritage assets may extend what might previously have been understood to comprise setting.

- Extensive heritage assets, such as landscapes and townscapes, can include many heritage assets and their nested and overlapping settings, as well as having a setting of their own...
- The setting of a heritage asset may reflect the character of the wider townscape or landscape in which it is situated, or be quite distinct from it, whether fortuitously or by design...
- ...the cumulative impact of proposed development adjacent, would suggest how much impact on the setting should be taken into account.

28. Furthermore, there is guidance regarding views and setting as follows:

The contribution of setting to the significance of a heritage asset is often expressed by reference to views, a purely visual impression of an asset or place which can be static or dynamic, including a variety of views of, across, or including that asset, and views of the surroundings from or through the asset, and may intersect with, and incorporate the settings of numerous heritage assets.

29. Paragraph 12 of this document sets out a method to assess the impact of development on heritage assets as follows:

Step 1: identify which heritage assets and their settings are affected:

Step 2: assess whether, how and to what degree these settings make a contribution to the significance of the heritage asset(s);

Step 3: assess the effects of the proposed development, whether beneficial or harmful, on that significance;

Step 4: explore the way to maximise enhancement and avoid or minimise harm.

## **Applicant's Heritage Statement**

30. The applicant's Heritage Statement displays no qualified or any authorship. appears to have been written by someone with little or no knowledge of relevant policy and guidance in historic assets and their settings. It utterly fails in all respects: NPPF, Local Plan policy, HE guidance or even its own terms to justify the included retentions. It confines itself to description and unsupported assertion, displays no identification of assets affected, their significance or any recognition of what setting actually is. It suggests, in effect, that suspension or circumvention of planning legislation is somehow justified by general reference to the effect of Covid on hospitality in general and pubs in particular, but offers nothing about the Black Lion.

31. No convincing evidence is presented to substantiate any claim of economic need to maximise, indeed exceed reasonable capacity arising from Covid restrictions or any other cause. Available photographic evidence and local anecdotal testimony suggests the opposite; that temporary covid restrictions have been seized upon as an opportunity to profiteer by flouting both planning law and Covid precautions such as wearing masks and keeping at least 2m apart. One resident reports the pub's manager boasting "We've never made so much money." Numerous complaints (selection appended) have set in motion review of licensing, noise, disturbance, anti-social behaviour, traffic generation and highway safety issues. Recognising the demarcation and co-ordination difficulties arising is no excuse for either "passing the buck," or relaxing planning law and policy. With full opening on 17 May announced, allowing it for a further year means ongoing unrestrained partying day and night.

32. Having failed in that regard (step 1), there can be no meaningful assessment how and to what degree these settings make a contribution to the significance of the assets (step 2). The submitted Statement's unsupported assertions of "no harm" is meaningless, without merit and unacceptable. In short failing to meet the minimum requirements of a Heritage Statement, any measures proposed with regard to step 4 are rendered impossible.

### **Affected assets**

33. The historic assets' settings affected by the applied for and/or unauthorised works include:

- The pub itself, including fixed external structures, walls, etc (II)
- Listed buildings: 1-6 and 8-16 Hammersmith Terrace (II)
- No. 7 Hammersmith Terrace (II\*)
- Church of St Peter, Black Lion Lane (II\*)
- Local list buildings: 1, 5-21 South Black Lion Lane; 1-9 Chiswick Mall; Pumping Station, Great West Road.
- The Mall Conservation Area, Areas A and B
- St Peter's Square Conservation Area - southern part

The settings of these buildings will be harmed visually, experientially or both by the continued presence of the applied for structures.

34. There can be no doubt that the contribution of setting to the significance of affected assets is strongly influenced by the Black Lion's location; close to visible and experienced dynamically from The Thames Path, its approaches and the river itself.

35. As such the impact of near-total garden coverage with alien built structures, the over-capacity "party" atmosphere, environmental degradation and risk to residents, pedestrians on the Path, parents and young children at play, and anyone who, consciously or subconsciously holds cultural heritage awareness and memory, amounts to substantial harm to the settings of heritage assets.

### **Neighbour amenity and environmental harm**

36. The following photographs depict typical impacts of the unauthorised development the subject of the objected applications, and other omitted works, during the period August-November 2020. A selection of a much larger number of recent residents' complaints, directly attributable to the impact of these developments area are set out at **Appendix 2**. Samples are reproduced here:

09 October 2020

I have seen so many near accidents on the corner of the terrace... school children amongst them.. all impacted by the pub's expansion - outside space has tripled since they've repurposed the car park. e.g. deliveries double park in the morning as children make their way to school.

02 December 2020

From inside the house, the noise from the pub is genuine concern for the first time in 16 years of living here. Graffiti is appearing over our buildings and surrounding area. The pub has developed a

reputation amongst our young people as 'the place' to drink if under age. This doesn't help any of the above. Many families and older neighbours have concerns and are upset their home environment has changed. there are obvious overflow issues such a street parking, refuse collection, increased traffic.



Overflow around entrance, impedes pedestrian, vehicle and service traffic.



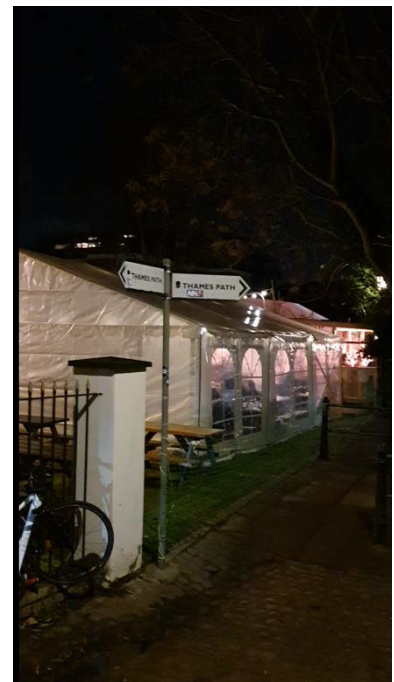
Overflow in Hammersmith Terrace - excessive noise, impeding access, cyclists, family progress on Thames Path, depositing, rubbish, graffiti.



Overcrowding in Covid conditions



Glasses left on footways



Visual impact at night



## Contribution of setting to significance

37. The importance and singular distinctiveness of setting in this context is both widened and amplified on account of its location because how an historic asset is approached is by definition part of experiencing its setting. In its own context, the approach to the pub and the interaction of people and objects around it are no less important to the significance of the asset than the grand drive through picturesque, livestock grazed parkland to many a famous country palace.

38. How unfortunate then, that the approaches to this pub have at times been transformed in to a negative, potentially frightening experience through deliberate or careless mismanagement and lack of timely, effective control of development.

39. The true, longer term risk now is that repeated blows of this nature to the assets identified may engender abject resignation. It follows from accepting without question an unsupported assertion that need outweighs heritage setting. The common, but entirely self-serving argument is that considerable harmful (but necessary) impact on the heritage asset has already occurred, therefore a little further erosion is, by comparison, insignificant.

40. In acknowledging the relevance and importance of setting on the significance of The Black Lion, therefore to the outcome of this application, the full force of NPPF paragraphs 193 and 194, together with the LBHF statutory local plan policy comes into sharp focus, namely:

193. 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 (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.

194. 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. Substantial harm to or loss of:

a) grade II listed buildings, or grade II registered parks or gardens, should be exceptional;

b) assets of the highest significance, notably scheduled monuments, protected wreck sites, registered battlefields, **grade I and II\* listed buildings...should be wholly exceptional.**

## Case reviews

04 January 2016

### **Failure to consider the effect of a development on the setting of a listed building results in Planning Permission and Listed Building Consent Quashing**

The High Court has quashed planning permission and listed building consent for the construction of an extension to a listed building in Hammersmith. The development involved a rear extension to a listed building included in a group listing of a row of large Georgian terraces and situated in the heart of a Conservation Area. Previous applications had been refused by the **London Borough of Hammersmith and Fulham** Council (and those refusals had been upheld on appeal) but on 29 July 2015 the Council approved a revised scheme. It considered that the extension would not have an adverse impact on the listed building or the Conservation Area. However, the Claimants argued that Council had failed in the exercise of its statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 because it had failed to consider the impact on the setting of the listed building. The Council resisted the judicial review application but, in granting permission on the papers in strident terms, Holgate J considered the Council's case to contain a number of errors of law. In the light of the judge's observations the Council was invited to submit to judgment which it duly did and on 22 December 2015 the permission and consent were both quashed.

The recent Court of Appeal decision in the case of *Barnwell vs East Northamptonshire DC 2014(2)* made it clear that in enacting section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1) Parliament's intention was that 'decision makers should give "considerable importance and weight" to the desirability of preserving the setting of listed buildings' when carrying out the balancing exercise'.

28 October 2013

**Appeal - installation of a Barclays Cycle Hire docking station** containing a maximum of 40 docking points and a terminal on the footpath outside Napier Court, Ranelagh Gardens, near to the current appeal site (ref: APP/H5390/A/13/2199046).

The main issue was the impact of the proposed cycle docking station and associated works upon the character and appearance of the Hurlingham Conservation Area and the setting of The Vineyard, a Grade II listed building on the north side of Hurlingham Road.

The Inspector found that "...The clutter of the cycles and docking station would also be visible from the six windows of The Vineyard, which are elevated above the level of the front boundary and which would have a clear view of the docking station. These factors will adversely affect the character and appearance of the conservation area and **setting of the listed building**.

41. The above cases demonstrate that:

- a) When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context

means not harming the interest in the building, as opposed to keeping it utterly unchanged.

- b) This obligation, found in sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, applies to all decisions concerning listed buildings.
- c) Decision-making policies in the NPPF and in the local development plan are also to be applied, but they cannot directly conflict with or avoid the obligatory consideration in these statutory provisions.

42.. Self-evidently, the applicants have not complied with (a), (b) and (c). They also appear to fall considerably short of Design and Access/Heritage Statement expectation of reasoning; explaining how the design solution was reached and why it is appropriate. It proffers description and assertion, omitting any reasoning, often failing to acknowledge, let alone understand relevant law and policy.

### **Design and Access Statement requirements**

43. From the Planning Portal:

A DAS must explain the design principles and concepts that have been applied to the development. It must also demonstrate how the proposed development's context has influenced the design. The Statement must explain the applicant's approach to access and how relevant Local Plan policies have been taken into account, any consultation undertaken in relation to access issues, and how the outcome of this consultation has informed the proposed development. Applicants must also explain how any specific issues which might affect access to the proposed development have been addressed.



Rear garden before tent covering and maximising capacity - for comparison see photo on p24.

## **Conclusions**

44. Under section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004 determination of applications must be made in accordance with the statutory local plan unless material considerations indicate otherwise. The built developments the subject of these applications, (together with those not included in the applications) fail the following policy tests:

### **Local Plan**

DC4 - incompatible

Not integrated

Not subservient from within garden

DC8 - a- fails to conserve or secure long term future

b- significance not conserved

c- setting not conserved, poor quality design

d- harm to setting of non-designated assets

e- disregard of scale, massing materials and use

f- no evidence of sustaining optimum use

g- no description of significance or impact assessment on setting

h- no benefit demonstrated to outweigh harm to setting

### **NPPF**

189 - significance and contribution of setting not described

190 - no evidence of relevant heritage expertise employed

192 - no contribution to sustaining heritage asset or sustaining community

193 - great weight to conservation outweighs unsupported economic/business claim

194 - no clear, convincing justification of harm

195 - refusal mandated where substantial harm to setting is found

196 - if less than substantial harm found, public benefit actually diminished by environmental and neighbour amenity degradation.

197 - judgement of harm not outweighed

### **Material considerations**

45. Significant impairment of residents' quiet enjoyment within and around their homes on account of:

Excessive intensification of use within and around site

Attendant risk to health and safety

Inconvenience and hazards caused by removal of off-street service access

Congestion, noise, light and fume pollution accident risk

Breach of "last orders" and closing times

Impeding free passage over public footways

Partying in public open spaces at night

Littering, graffiti and anti-social behaviour

Music and noise disturbance, including to children

46. The above policy tests and material considerations indicate without exception that the applications should be refused. The applicant has not provided any evidence of material considerations that would indicate otherwise. On this basis it is my submission that refusal of the applications is mandatory.

47. This objection is not a substitute for the rigorously expert-composed Heritage Statement. It should not relieve both the applicant and the authority of their duties in law and regulation. Its purpose has been to demonstrate the overwhelming evidence in favour of an unbreakable, as yet unaddressed connection between the application in question and the settings of several heritage assets. It further demonstrates the unbreakable duty on the part of the local planning authority to require a competent Heritage Statement from the applicant and, by imperative, to refuse an application that fails the key policy tests and totally lacks the required justification of its pre-emptive actions. I submit the requirement, albeit part of a wider planning process is imperative, and must be seen to be done. Many, sometimes conflicting considerations must not only be objectively measured and, but also, where necessary, qualitatively weighed and balanced transparently. Failure at any point risks systemic breakdown and public mistrust. Consistent failure to correctly identify and act on this important consideration in this case shrouds public awareness, subverting the right of informed, public comment and democratic debate in Council itself.

48. It should now be self-evident that these cumulative, unauthorised developments demand careful scrutiny, appropriate remedial measures and transparent passage through the Council's processes. It's clearly not a simple, clear cut policy based, measurable case, but one requiring complex assessment, weighing and judgement, brought before the democratically elected decision making Members of the Council.

**JACK WARSHAW** RIBA(SCA) MRTPI IHBC RPUDG  
March 2021



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## APPENDIX 1

### STEER v SSCLG 2017 EWHC 1456 (admin)

Not for the first time, the High Court has been called upon in **Steer v SSCLG** [2017] EWHC 1456 (Admin) to consider the duty of a decision-maker under section 66 of the Listed Buildings Act to have special regard to the desirability of preserving (among the other things listed in that section) the *setting* of a listed building. The glossary annexed to the NPPF defines the “setting of a heritage asset” as:

*“The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral.”*

Paragraphs 128 to 134 of the NPPF explain how section 66 is expected to work in practice, and further guidance is to be found in the government’s online Planning Practice Guidance, in addition to a publication by Historic England: “*The Setting of heritage Assets (Historic Environment Good Practice Advice in Planning: 3)*” Although the last of these does not constitute a statement of government policy, it is intended to provide information on good practice in implementing historic environment policy in the NPPF and PPG. I don’t propose to include quotations here from these documents, which will be found in the judgment.

The instant case concerned the setting of Kedleston Hall, Derbyshire – a Grade I Listed Building owned by the National Trust (who objected to the proposed development because, in its opinion, it would have a harmful impact on the setting and significance of the heritage asset, which would not be outweighed by the benefits of the housing). The NT, however, was not a party to these proceedings, but Historic England appeared by counsel as an interested party.

The claimant (a local resident) had objected to the two planning applications that had been the subject of appeals allowed by the Secretary of State’s planning inspector. The first application was for outline planning permission for the erection of up to 400 dwellings and a convenience store. The second application was for outline planning permission for the erection of up to 195 dwellings in the southern half of the same site.

The Claimant’s principal ground of challenge was that the Inspector erroneously applied a narrow interpretation when determining the setting of Kedleston Hall, in which a physical or visual connection was needed, despite the existence of an historical, social and economic connection between the Hall and its agricultural estate lands. This approach, it was claimed, was inconsistent with the broad meaning given to “setting” in the NPPF, the PPG and Historic England’s ‘Good Practice Advice’. At the Inquiry, there was a body of expert evidence stating the historical connection did bring the appeal site within the setting of the Hall.

In her conclusions, Mrs Justice Lang noted that there was a significant amount of material before the Inspector in support of the submission that the appeal site formed part of the setting of both Kedleston Hall and the Park because of the historical, social and economic association between the Hall and the agricultural lands of its Estate and drew attention to Historic England’s observations on the issue of the setting of Kedlestone Hall and its Park, the significance of that setting and the impact of the proposals on the significance of the setting, which Historic England had set out in a written response to consultation by the LPA. English Heritage’s position was that the proposed housing development would harm the significance which Kedleston Hall and the Grade 1 registered Park and Garden derives from its setting.

The National Trust had also drawn attention to the significance of Kedleston Hall's setting, a point that was also reiterated by the Gardens Trust, who had pointed out that ".....*the setting of a heritage asset is a much wider concept than mere visibility*" and that "*Historic England defines setting as the surroundings in which [the asset] is **experienced** [their emphasis]. Views, while they may be an important part of this experience and clearly identify the presence of a setting, do not constitute its totality, or even the greater part of it...*". The Development Control Archaeologist at Derbyshire County Council expressed a similar view.

Mrs Justice Lang pointed out that the Inspector was required to address this evidence in his decision letter, whether or not he agreed with it. It related to a main issue in the appeal, on which the developer disagreed with the objectors. Much of the evidence was given by experts. Historic England was a statutory consultee and a "*decision-maker should give the views of statutory consultees ... 'great' or 'considerable' weight. A departure from those views requires 'cogent and compelling reasons'*". (See *Shadwell Estates Ltd v Breckland DC* [2013] EWHC 12 (Admin), at [72].)

The Inspector accepted the evidence as to the historic social and economic connections between the Hall and Park and the area in which the appeal site was situated, but he rejected the evidence and submissions that the appeal site was part of the setting of the Hall, despite the historic social and economic connections. The Inspector concluded that the appeal site was not part of the Hall's setting because of the lack of a physical or visual connection, which he treated as essential to the identification of "*surroundings in which a heritage asset is experienced*" (NPPF definition of "setting"). The Inspector recorded that it had been argued that the historical, social and economic connection – the appeal site being part of the estate of which the Hall and Park were the hub – brought the appeal site within the setting of the Hall. He determined, however, that there has to be more of a physical or visual connection than that, otherwise land completely remote from the Hall could be deemed within its setting.

In the judge's view, the Inspector's findings clearly indicated that his focus was upon identifying a visual connection, and assessing the proposal's impact upon it. The historic social and economic connections were set to one side in this exercise. (The judge did not therefore accept the Secretary of State's submission that the Inspector merely formed a planning judgment that the historic social and economic factors were of insufficient weight, as there was no assessment of the weight to be accorded to them in the Inspector's decision-making process. In her view, the Inspector's approach to the other heritage assets also confirmed that he treated the physical and visual connection as determinative.)

Thus the Inspector had adopted a narrow interpretation of setting which was inconsistent with the broad meaning given to setting in the relevant policies and guidance which were before him. Whilst a physical or visual connection between a heritage asset and its setting will often exist, it is not essential or determinative. The term setting is not defined in purely visual terms in the NPPF which refers to the "*surroundings in which a heritage asset is experienced*". The word "*experienced*" has a broad meaning, which is capable of extending beyond the purely visual (as confirmed by the policy and practice guidance that had been referred to).

Mrs Justice Lang therefore agreed with the submission of the claimant and Historic England that the Inspector had adopted an artificially narrow approach to the issue of "setting" which treated visual connections as essential and determinative. In adopting this approach, the Inspector made an error of law, and his appeal decision was accordingly quashed.

This case is clearly important in establishing the wide scope of the term "setting" where it is used in section 66 of the Listed Buildings Act, and in the various advice on this issue published by ministers and by Historic England.



## APPENDIX 2 - SELECTED RESIDENTS' COMPLAINTS DURING PERIOD AUGUST-DECEMBER 2020

29/09/2020

I don't understand how the pub can't reflect on the impact of their obvious expansion on the local community. It's very depressing and the damage to a conservation area; a lasting one. From a safety aspect also, there will be an accident here. It's simply too busy.

In the morning when people are cycling to work or doing a school run, the deliveries are endless. All double parked. On a busy weekend day, crowds hang in the street, queuing. They disrupt a flow of walkers and cyclists and of course when taxis and Ubers are dropping off, the road is completely blocked. There are some really tangible things the pub can do that would have a positive impact and I am sure as residents, we have a view on what these are. For me, reinstating the car park is a big win; it would mean the pub can receive deliveries safely and offer customers somewhere to park once more instead of on the terrace. It also means customers are taken away from the street, reducing congestion and noise.

I would also push for earlier closing of the outside seating area to allow residents to go to bed without the inevitable jeering and other charmless behaviour that is both uncomfortable and intimidating. It might also limit the number of bottles and litter left as people leave with drinks and deposit them on the street, behind car tyres etc. it isn't fair the council have to pick this up or we live amongst it.

I am not sure what the appetite is for compromise at the pub, but fear hostility to the idea they reverse it back to what it was.

29 Sept 2020

Situation seems to be going from bad to worse

We now have, in addition to expanded AstroTurf in car park, 2 marquees, strings of lights on day and night, massive portaloos... Seems very important to restore The Black Lion Pub to how it was six months ago

These "temporary" changes that have crept in are very detrimental to the neighbourhood.

09 October 2020

The pub adapted quickly during COVID times, being one of the first pubs to sell alcohol as a takeaway. Social media being what it is, word spread and masses of people crammed into a tight spot to drink. They used the surrounding green spaces around the river to settle; litter and defecation were an unfortunate side effect, but many residents impacted were keen to support the pub. As lockdown eased, the pub has further capitalised on the increased trade and made major changes. These changes are very upsetting if you are a resident living close to the pub. Noise, Safety and Disorder are all relevant... not at all dissimilar to the issues experienced by the waterside Arms (Barnes riverside) <http://neighbournet.com/server/common/ldrswatermansarms001.htm?site=1>

The pub is looking to make permanent a lot of the changes permitted during a relaxation of rules during COVID times. They are in the process of seeking a variation to their license to meet the demands of a new younger customer base. They are also, without any planning consent, significantly remodelling the pub inside and out. They are moving at breakneck speed for relaunch next week... putting a bar into the historic Skittle Alley and turning the outside space into Winter Wonderland. Most worryingly, as you know, this is a conservation area and the pub is a registered Grade 2 listed building. The changes are completely incongruous - gaudy sponsorship and astroturf across the whole space. Residents are emotional, particularly since any changes they make to their homes are strictly monitored... they don't understand how the pub can do what they have been doing. I attach a link to their new ideal as promoted on their instagram page: <https://www.instagram.com/p/CFINZyUHD6p/>

09 October 2020

I have seen so many near accidents on the corner of the terrace.. school children amongst them.. all impacted by the pub's expansion - outside space has tripled since they've repurposed the car park. e.g. deliveries double park all the time in the morning as children make their way to school.

02 December 2020

From inside the house, the noise from the pub is genuine concern for the first time in 16 years of living here. Graffiti is appearing over our buildings and surrounding area.

The pub has developed a reputation amongst our young people as 'the place' to drink if under age. This doesn't help any of the above.

Many families and older neighbours have concerns and are upset their home environment has changed... there are obvious overflow issues such as street parking, refuse collection, increased traffic.

02 December 2020

I had to literally push my way through the crowds around the pub so I hate to think what it will be like with a new marquee. Does anyone at or involved in the Council care at all about how this is affecting the residents? The pub owners are being greedy and we are paying the price.

04 September 2020

As you may know, the Black Lion pub has been transformed over the last couple of months, as lockdown has been eased. It has put artificial grass over its carpark and introduced many new outdoor tables on it. It has changed from being a neighbourhood pub to being "party central" for a huge new completely different (essentially non-local) clientele. My neighbours and I were initially reluctant to complain. We agree that businesses need to reopen and people need to get out. But the noise and nuisance from the pub - when the weather is good - is now getting intolerable, especially as the pub has now extended its opening hours. There is a constant din of noise from noon onwards. In the evening, as the noise level increases, it can sound like there is a street party outside our houses. After the pub closes, many customers hang around outside by the riverbank, partying until very late.

04 September 2020

Dear Councillors

As you may know, the Black Lion pub has been transformed over the last couple of months, since the easing of lockdown. It has put artificial grass over its carpark and introduced many new outdoor tables there. It has changed from being a neighbourhood pub to being "party central" for a huge completely different (essentially non-local) clientele.

I, and my fellow nearby residents, were initially reluctant to complain. We agree that businesses need to reopen and people need to

get out. We understand that you too supported this. But, whilst good weather persists (and the pub has now extended its opening hours in the evening), the crowds at the Black Lion are growing and the nuisance is now getting intolerable.

- There is a constant din of noise - outdoor music and chat/shouting - from noon onwards
- The street is now littered with paper serviettes blown down the street
- in the evening, it can sound like there is a street party outside our houses as the noise level increases
- There is a constant stream of ubers blocking the street, as they ferry customers to and fro
- After the pub closes, many customers hang around outside by the riverbank, partying until very late
- Graffiti has appeared - for the first time in living memory - opposite the pub, at Bell steps on the end wall of 1A Hammersmith Terrace.

I and my neighbours feel that this is now going too far. We now are very unhappy about the continuing level of nuisance and degradation of the quality of our neighbourhood. Could you please help us do something about this?

20 August 2020

I would very much like to understand whether the changes they have made are in line with their license to operate, specifically the expansion of the usable outside seating. It significantly impacts noise through increased customers. Also, as they have now repurposed the car park, the congestion on our narrow street is even more of a problem and cars coming down to drop off and pick up often blocks the road.

Additionally, the old landlords never played music outside. The new owners do play music and in addition to it being heard locally by residents, it also sets the tone for drinking sessions in groups. These people do not leave quietly at the end of the evening/11pm.

Finally, to do anything to our properties given the historic nature of the street/area is immensely difficult. Any changes need to be in keeping with the historical nature of the area. I wonder how the pub can make so many aesthetic changes so quickly.. vast quantities of astro turf and heavily sponsored outdoor accessories are unusual.. is this allowed? In addition, I am trying not to make a connection between the changes at the pub and the new trend to graffiti houses here and the surrounding river area.

28 August 2020

...Just to let you know we have been offering flexibility on the use of outside areas in the past further to the afore mentioned government advice. However as it looks like they may want this to be a permanent / semi-permanent measure we will now follow this up. Please also note that any permanent changes to the outside area may also require planning permission so this is something I will also raise with them.

In terms of the music from the premises, I can confirm that they do have a licence for this activity and it is permitted outside the premises. However after discussing this with Jola she did say that she would remind all staff that this should be background only – she also explained that the music was turned off completely by 10pm .

I hope this helps. Sorry for the delay coming back to you but I tend to find it's best to discuss any issues with the operator first before responding. Please feel free to call me on the number below if you have any other questions.

Kind regards

Adrian Overton  
Licensing Policy & Enforcement Manager  
The Environment Department Hammersmith & Fulham Council  
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## APPENDIX 3 - CREDENTIALS

**Jack Warshaw** B ARCH, DIP TP, AADIPCONS, RIBA(SCA), MRTPI, IHBC, RPUDG

1. I am Jack Warshaw of Wey House, Standford Lane, Headley Hampshire, GU35 8RH. I resided in London from 1965-1990. I hold the Degree of Bachelor of Architecture Diplomas in Town Planning and Building Conservation. I am a Chartered Specialist Conservation Architect, Chartered Town Planner, Member of the Institute of Historic Building Conservation and Recognised Practitioner of the Urban Design Group. The designation RIBA(SCA) is awarded only to candidates who pass a rigorous application process, demonstrating authoritative knowledge of conservation practice, principles and philosophy, and contributing to development of conservation standards. It is fully endorsed by English Heritage, Cadw Welsh Historic

Monuments, the Environment and Heritage Service for Northern Ireland, Historic Scotland, the National Heritage Training Group and the Heritage Lottery Fund.

### Experience

2. Founding Director, Conservation Architecture & Planning, 1991. London Local government, 1965-68 and 1970-91: architecture, planning and design. Education, 1968-70. Head, Conservation and Design, Wandsworth Council, 1983-91; co-ordination and direction, all heritage and design matters, including conservation areas, historic buildings, design control, enhancement schemes, grant aided projects, townscape, advert control, tree preservation, local plan policy development, UDP, SPG.

3. Diploma, Building conservation- Architectural Association. Current or recent work: advising government departments, local authorities, corporate and private clients, professionals and voluntary bodies. Historic and new build projects. Academic work, service to professional bodies. European Architectural Heritage Year Award; Civic Trust Commendation; Wandsworth Design Award. Architect to a number of churches.

4. Clients include: English Heritage, Department of National Heritage, Department of Environment, Ministry of Defence, London Planning Advisory Committee, Royal Town Planning Institute, UK and Irish local authorities and major companies. Author or co-author, publications include Wandsworth householder conservation and riverside guides, Whitehall Conservation Guide for Government Departments, RTPI Conservation Guide, The Ministry of Defence Conservation Manual and numerous others. Initiator and lead design advisor for internationally praised Battersea Square regeneration scheme. Promoter of numerous environmental and regeneration projects.

5. Conservation of Registered Parks and Gardens including Battersea Park. Conservation schemes: 18th century house and landscape at Winkfield Place; Conservation Plans for Cowdray Park, Midhurst, Sussex (Grade I, SAM), and the Roundhouse, (Grade II\*) Camden. Urban design and historic building restoration, Prospect Quay, Wandsworth. Lead practice; 6 conservation area audits for City of Westminster including Trafalgar Square, Whitehall, and Westminster Abbey World Heritage Site. MoD term commission historic estate conservation. Building, appraisal and other projects in historic environments. English Heritage Strategy for Southwest England, Conservation Area Appraisals: Milton Keynes; Hastings Town Centre; Kingston upon Thames and other authorities; 6 historic Irish towns; refurbishment of 1716 Grade II\* building,

Covent Garden; Church Centre for a Grade II\* church in Berkshire, flats in conservation areas; important historic houses in England. 7 churches currently under care.

6. Expert witness commissions include heritage and design matters for local authorities, corporate, religious, professional, private and resident groups. Local appeal and call-in public inquiries, written representations and High Court proceedings.

**Affiliations, academic and published work**

7. Executive, Urban Design Group 1993-2012. Education and Technical Committees, IHBC. Learned societies. Chair, Applications Panel, Hampstead Conservation Area Advisory Committee, 1982-90. BSI Sub-Committee for BS 7913: Guide to The principles of the conservation of historic buildings. Lecturer, conservation and urban design. Published in learned journals. Contributions to written, spoken and visual media. External Examiner, MSc in Historic Conservation, Oxford Brookes University, 2004-8. Historic buildings Architecture and Planning panels, Irish Heritage Council. Evidence to House of Commons Select Committee on Urban Affairs, 2004. CABE/RTPI co-presenter, Design in the Planning System and Introduction to Design Appraisal. Member, RIBA Conservation Register Assessment Panel.