

Appeal Decisions

Site visit made on 8 December 2016

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 26 January 2017

Appeal A Ref: APP/H5960/W/16/3156764

The Spotted Horse Public House, 122 Putney High Street, Wandsworth, London SW15 1RG

- 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 Young & Co.'s Brewery PLC against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1656, dated 24 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is a number of external alterations to the side elevation of the public house.
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Appeal B Ref: APP/H5960/W/16/3158514

122 Putney High Street, Wandsworth, London SW15 1RG

- 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 Young & Co.'s Brewery PLC against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2016/1686, dated 24 March 2016, was refused by notice dated 19 May 2016.
 - The development proposed is to provide a new external terrace area on the existing flat roof to the rear of the public house at first floor level.
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Procedural matters

1. Notwithstanding the description of development in Appeal A set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises external alterations to both the front and side elevations of the public house. The Council dealt with the proposal on this basis and so shall I.
2. However, for the reasons that follow, I find the proposed alterations to the side elevation to be acceptable and they are clearly severable both physically and functionally from the proposed alterations to the front elevation. Therefore, I intend to issue a split decision in the case of Appeal A and grant planning permission for the side alterations.

Decision

Appeal A Ref: APP/H5960/W/16/3156764

3. The appeal is dismissed insofar as it relates to the external alterations to the front elevation of the public house. The appeal is allowed and planning permission is granted for a number of external alterations to the side elevation
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of the public house at The Spotted Horse Public House, 122 Putney High Street, Wandsworth, London SW15 1RG in accordance with the terms of the application, Ref 2016/1656, dated 24 March 2016, subject to the conditions in the schedule at the end of this decision.

Appeal B Ref: APP/H5960/W/16/3158514

4. The appeal is allowed and planning permission is granted to provide a new external terrace area on the existing flat roof to the rear of the public house at first floor level at 122 Putney High Street, Wandsworth, London SW15 1RG in accordance with the terms of the application, Ref 2016/1686, dated 24 March 2016, subject to the conditions in the schedule at the end of this decision.

Application for costs

5. An application for costs was made by Young & Co.'s Brewery PLC against the Council of the London Borough of Wandsworth. This application will be the subject of a separate Decision.

Main Issues

6. The main issues are:
 - the effect of the proposed alterations to the front and side elevations on the character and appearance of the existing locally listed building and surrounding area; and
 - the effect of the proposed roof terrace on the living conditions of neighbouring occupiers at 2A Chelverton Road and flats above the shops fronting Putney High Street, with particular regard to noise.

Reasons

Character and appearance

7. The Spotted Horse Public House is located on the High Street, which comprises a busy shopping street in the centre of Putney. Surrounding the public house are a mix of retail and other uses with ancillary accommodation or residential units above. The public house is a locally listed building that forms an attractive addition to the high street and potentially dating back as far as the 17th century. It has been altered over time, with a mock-Tudor frontage of distinctive decorative timberwork including carved figures probably added in the 1920s or 1930s. It appears that the ground floor windows have been altered more recently and these do not reflect the historic character of the remainder of the frontage.
8. The proposal would replace a number of the delicately detailed features that surround the doors with decorative shutters, with additional shutters to either side of the windows. These would add clutter to the front elevations that would compete with the retained historic features of the façade, affecting its coherence.
9. The windows are proposed to be replaced with bi-fold doors to the left of the entrance door and bay windows above the barrel chute doors that would be repaired. The bi-fold doors would extend slightly lower than the existing windows, removing the short plinth that is currently below the windows and allow greater openness to the building, directly linking the internal space to the

street outside. The replacement front door with glazed panel above would introduce more glass and make the building more open to the street. These alterations would affect the relationship of this historic public house to the street outside, reducing the sense of enclosure to the inside of this locally listed building. This would alter the character and appearance of the building to a significant extent, such that these proposed doors would harm the character and appearance of the building.

10. The replacement bay windows above the barrel chute, whilst of slightly different design to the existing, would reflect the rectangular shape of the windows above. Whilst the opening would alter as these would also be bi-fold, the relationship to the street outside would not be affected to the extent of the bi-fold doors. The windows above the bi-fold windows and doors would reflect the design and appearance of the existing. As such, these replacement windows would conserve the character and appearance of the building.
11. The alterations to the side comprise an alteration to a ground floor timber door, new glazing to a side elevation window, removal of a vent and infilling with materials to match the remainder of the wall and the side elevation parapet to be in brick. In addition, a steel handrail at first floor level is proposed to be erected to ensure secure access for maintenance without enabling the roof to be used for any other purpose. The Council do not raise any objection to these elements of the proposal and, given that they would reflect the design and appearance of the building and would not be visible except from the private side alley and rear of surrounding buildings, I see no reason to disagree with the Council's conclusions in this regard.
12. The Framework advises at Paragraph 132 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 in accordance with its importance. Significance can be harmed or lost through the alteration of the heritage asset. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Accordingly, while less than the 'substantial harm' referred to in Paragraph 133 of the Framework, the harm to the locally listed building is nevertheless a matter of considerable importance in this case.
13. Paragraph 134 of the Framework establishes that, 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 securing its optimum viable use. The only public benefit in this instance is the continued use of the public house as a community facility. However, there is limited evidence that the use would be lost should the alterations to the front elevation not be allowed and, as such, that benefit is limited and cannot outweigh the identified harm to the locally listed building.
14. For the above reasons, I conclude that the proposed shutters, replacement entrance door and bi-fold doors replacing the windows to the left of the entrance door would fail to preserve or enhance the character or appearance of the Spotted Horse Public House locally listed building and the surrounding area. As such, the proposal is contrary to Policies DMS1 and DMS2 of the Wandsworth Local Development Framework Development Management Policies Document (DMPD) that seek to ensure the appearance of development is of

high quality that contributes to the character and appearance of the area and conserve or enhance the character or appearance of heritage assets, including locally listed buildings. Policies DMTS1 and DMTS8 of the DMPD have also been drawn to my attention that relate to development in town centres, particularly the use of premises, but do not appear to be directly relevant to this issue.

Living conditions

15. It is proposed to construct a roof terrace on the existing flat roof at the rear of the Spotted Horse Public House. The building extends at ground floor to the rear boundary of the site, with further floors above the front element that extend a first floor corridor down the centre of the building, with a further first floor section with flat roof about half way down the building across the width of the building and a further first floor section behind to one side, with flat roofed section to the side adjacent to the passage. It is proposed that the rearmost flat roofed single storey part would have an area of decking constructed above, the front part of which would be largely enclosed with a glazed structure. A ship lapped fence would be provided on the parapet wall adjacent to the passage to the side of the building.
16. To the opposite side of the side passage is a shop with flats above. These flats are set toward the front of that building, such that they would be separated from the proposed terrace by the passage and, partially, by the first floor element approximately half way down the public house. The flats have rear windows at first and second floors that face toward the location of the proposed terrace. Their location to the rear means that they are sheltered, to some extent, from noise emanating from the street to the front. To the other side of the building is 2A Chelverton Road, which contains windows that are located closer to the proposed terrace, but the existing rearmost first floor part of the building and wall around the rear parts of the terrace would separate the terrace from that property.
17. The proposed roof terrace would allow access for customers to use this area for outside seating. Such use is likely to result in some additional noise from customers of the public house using this area. The Mechanical Plant and Patron Noise Impact Assessment assesses noise generation from the proposed terrace and suggests that any additional noise generated would be negligible compared to ambient noise levels, including that generated from plant located on the roof of the public house as well as the busy shopping street to the front of the buildings.
18. The assessment is based on a number of assumptions, such as the number of people likely to be making noise on the terrace, and levels and types of background noise. The further information submitted with the appeal suggest that increasing the proportion of customers talking on the terrace would not have a perceptible increase in noise generation. I understand that the main background noise generation would be the plant and that the character of the noise from the terrace would differ, but the assessment and further information submitted demonstrate that additional noise from the terrace would be negligible. Consequently, I consider that the assumptions on which the report is based are reasonable.
19. The Council suggest that as the terrace would be surrounded by walls and fences that would make the sound echo. However, this is taken into account in the assessment and the fence above the parapet wall would have some effect

in reducing the noise to the closest windows in that direction. The first floor part of the public house separating it from 2A Chelverton Road would screen that property from noise disturbance from the proposed terrace.

20. A condition limiting the hours when the terrace could be used has been suggested and the appellant has provided a management policy to be used by the public house to control the use of the proposed terrace. These proposals would reduce the hours when such disturbance could take place and would reduce the effect of the noise, particularly at night time when background noise would be reduced. The assessment referred to above suggests that use of the terrace could be limited after 10pm for this reason and this would reduce any potential disturbance to neighbouring occupiers to acceptable levels. Should the appeal succeed, I suggest limiting the opening hours and ensuring compliance with the management plan by condition would be appropriate.
21. For these reasons, I conclude that use of the proposed roof terrace would not harm the living conditions of occupiers of surrounding dwellings by reason of noise. As such, the development complies with Policy DMS1 of the DMPD that seeks to protect the living conditions of occupiers of neighbouring properties, including in relation to noise.

Other matters

22. I note concerns from neighbouring occupiers regarding the potential for the proposed terrace to be used for smoking of cigarettes and the potential for the smoke to escape the terrace area to surrounding properties. The terrace would be surrounded by walls and fences and located a short distance from neighbouring properties, such that smoke and odours from any cigarettes would be contained within that area, or directed upwards and away from neighbouring properties. As such, smoke and odours from cigarettes would not harm the living conditions of neighbouring occupiers.

Conditions

23. I have imposed conditions in both cases specifying the relevant drawings as this provides certainty. Conditions are necessary for details and samples of materials, including details of the glazing system for the alterations to the side elevation, to be submitted and approved prior to development commencing to ensure that they would maintain the character and appearance of the area.
24. In relation to Appeal B concerning the proposed terrace, I have also included a condition requiring details of the privacy screens and soundproofing to be submitted and approved prior to first use of the terrace to ensure they would maintain the character and appearance of the area and living conditions of neighbouring occupiers. A condition is necessary to ensure the requirements of the Mechanical Plant and Patron Noise Impact Assessment and Outdoor Terrace Management Plan are complied with and a condition is necessary to limit the hours of use of the terrace to protect the living conditions of neighbouring occupiers.
25. In some cases I have amended the wording of conditions suggested by the Council in the interests of clarity.

Conclusion

26. For the reasons given above I conclude that Appeal A should be allowed insofar as it relates to the side alterations and dismissed insofar as it relates to the front alterations. For the above reasons and taking into account all other matters raised I conclude that appeal B should succeed.

AJ Steen

INSPECTOR

Schedule of Conditions

Appeal A Ref: APP/H5960/W/16/3156764

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8157-10; 8157-11; 8157-12; 8157-13; 8157-15 so far as relevant to that part of the development hereby permitted.
- 3) No development shall take place until details and samples of all external facing materials (including the glazing system) have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Appeal B Ref: APP/H5960/W/16/3158514

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 8157-30; 8157-31; 8157-32; 8157-33.
- 3) No development shall take place until details and samples of all external facing materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.
- 4) Use of the roof terrace shall not take place until details of privacy screens and soundproofing have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details prior to the use commencing and shall be maintained in situ thereafter.
- 5) The recommendations within the Mechanical Plant and Patron Noise Impact Assessment and Outdoor Terrace Management Plan submitted with the application shall be carried out in full prior to the first use of the approved roof terrace and shall be maintained in situ thereafter.
- 6) Use of the terrace hereby permitted shall only take place between the hours of 0800 and 2200. The access doors to the terrace shall remain closed other than between the hours of use of the terrace.