
Appeal Decision

Site visit made on 5 January 2017

by Jonathon Parsons MSc BSc(Hons) DipTP Cert(Urb) MRTPI

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

Decision date: 20 February 2017

Appeal Ref: APP/L5240/W/16/3155172

Former Ship Public House, 55 High Street, South Norwood, London SE25 6EF

- 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 ZB Investment Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 15/03553/P, dated 11 August 2015, was refused by notice dated 27 January 2016.
 - The development proposed is the use of lower ground and ground floors as a public house including refurbishment: retrospective application for roof extension to rearmost addition and the use of the rear and existing upper floors as 5 self-contained flats.
-

Decision

1. The appeal is allowed and planning permission is granted for the use of lower ground and ground floors as a public house including refurbishment: roof extension to rearmost addition and the use of the rear and existing upper floors as 5 self-contained flats at the former Ship Public House, 55 High Street, London SE25 6EF in accordance with the terms of the application, Ref 15/03553/P, dated 11 August 2016, subject to the conditions on the attached Schedule A.

Procedural Matter

2. There is a mansard roof extension to the rear of the public house and conversion of the building to flats has taken place to which a recent upheld enforcement notice appeal relates. Based on the findings of the enforcement Inspector, the 'before works' plans submitted, and the proposed changes to floor space and openings, the application has been treated as a proposal.

Main Issues

3. The main issues are (a) whether the proposal would preserve or enhance the character or appearance of the South Norwood Conservation Area, having regard to a locally listed building and (b) the effects of the proposal on the living conditions of the residents of the dwellings, having regard to noise and disturbance from the public house, and privacy.
-

Reasons

Character and appearance

4. The appeal site comprises the former Ship Public House which appears to date back to the early 1880's at the time of the construction of the Croydon Canal. The front of the building is three storeys dropping down in scale to two storeys to the rear, where there is an extension with first floor accommodation within a mansard roof. There is a lower ground floor to the original part of the building. The building is locally listed within the South Norwood Conservation Area Appraisal and Management Plan (CAAMP). Its historical interest relates to the era of the local canal construction and its role as a public house serving canal workers, a use that continued even after the loss of the canal. Architecturally, it has a traditionally designed public house frontage which has an attractive presence within the street.
5. Within the Conservation Area, there is a mixture of recent and older style buildings and varied uses. In terms of the older style development, there is variation in styles and designs, but buildings still exhibit attractive traditional architecture detailing, including around windows and doors, the use of timber casements/sash windows and brick and tile materials. In many cases, the uses of such buildings reflect their designs and history. Such qualities stand out against the simpler modern and bolder styled commercial buildings in the area. Consequently, these qualities are of significance and importance to the Conservation Area and make a contribution to the special interest of the Conservation Area. The appeal building is part of the older style development within the Conservation Area by reason of its historic use and traditional architectural detailing.
6. The conversion of the appeal building to flats would result in the reduction of the size of the public house but it would be still retained over two floors, including a lower ground floor. The rear UPVC windows are to be replaced with larger timber sash windows which would in the main fit with the original openings of the building. The restoration of the original front façade does not need planning permission but nevertheless as part of this development, it is to take place. Such alterations and works would represent an improvement to the character and appearance of the building and the proposal would bring a building back into use.
7. The rear mansard roof replaced a dual pitched roof over a single storey extension. Whilst mansard roofs are not a feature of the Conservation Area, it is subservient to the main building by reason of its scale and design. There could be some visibility of the mansard roof from people in the alleyway leading to the rear of the site which is alongside the flank of the public house. However, this would be limited being mainly restricted to residents of the flats and in the main, the roof extension would be sited some distance away from the main public vantage point on the highway. From the high street, it would be hidden by the original three storey part of the appeal building. Furthermore, from what I saw on my site visit, buildings have been extended to the rear in varied manners. For all these reasons, the mansard roof would not be an intrusive feature within the Conservation Area.

8. There would be some modifications to the rear yard area, including the introduction of some landscaping and refuse/recycling/cycle stores. Although this would be within the area of the historical forge, there is little evidence of it remaining and the original building has now disappeared. Consequently, there would be no adverse impact on the historical or architectural quality of the locally listed building or the character and appearance of the Conservation Area.
9. In the recent enforcement notice appeal, the Inspector found the mansard roof acceptable and that it was necessary to re-instate original openings. Based on my own separate assessment, my views coincide with this Inspector's. Nevertheless, there are some differences between the proposal under consideration as a breach of planning control under the enforcement notice and that before me in terms of uses and their extent. In this regard, I have assessed the current appeal proposal on its particular planning merits.
10. In conclusion, the proposal would preserve the character and appearance of the South Norwood Conservation Area for the reasons indicated. In this regard, there would be no harm to the historical and architectural interest of a non-designated heritage asset. Accordingly, the proposal would comply with policies SP4.1, SP4.13 and SP4.14 of the Croydon Local Plan Strategic Policies 2013, policies UD2, UD3, UC3 and UC9 of the Croydon Replacement Unitary Development Plan (UDP) (The Croydon Plan 2006) Saved Policies 2013, policies 7.4, 7.6 and 7.8 of the London Plan (LP) 2015 (Consolidated with Alterations since 2011). Collectively and amongst other matters, these policies indicate that development should be sympathetic to the form, scale, materials, and architecture detail of heritage assets, contribute to local character, and that substantial weight should be given to locally listed buildings. Similarly, it would also comply with the CAAMP because the building would continue to make a contribution to the character of the Conservation Area.

Living conditions

11. The proposed flats would exist in close proximity to the public house. However, the location of the site would be in a busy urban area, close to a road with commercial uses and a railway line to the rear and therefore, there would be expected to be some disturbance and noise already existing. Furthermore, planning conditions can also be imposed to require the acoustic insulation of the residential units and window and door openings in accordance with a noise assessment. Details of any extraction system or plant associated with the public house, together with noise mitigation, can also be secured.
12. Whilst there could be outside drinking in the summer, the layout of the site would not encourage this by reason of bar area being mainly accessed by a front entrance. The alleyway down the side of the public house at ground floor would only be accessed by a fire exit. In terms of the effect of any smoking area, if this took place in the alleyway, the flats would be above and to the rear so minimising any impact. In any case, the alleyway would be mainly used for residential purposes to gain access to the rear yard for a private outdoor space, cycle storage and bin storage. There is an area for the public house use but this is confined to the storage of refuse and recyclable material which would only be brought to the street on the day of collection. Therefore, I am not persuaded that any noise and disturbance generated by the public house would

be significant given the context of the site and the safeguards that could be required.

13. In conclusion, the development would not harm the living conditions of the residents of the dwellings, having regard to noise and disturbance, and privacy. Accordingly, the proposal would comply with Policies UD8 and EP1 of the UDP and Policy 3.5 of the LP, which collectively and amongst other matters, requires the protection of residential amenity, minimise the pollution associated with new development, such as increased noise and disturbance, and that homes are places of retreat.

Other matters

14. The ground and lower ground floors of the public house and the adjacent pub garden has been designated as an Asset of Community Value (ACV) which is a material consideration. Whilst this proposal would result in the reduction of public house floorspace and the removal of a pub garden, the proposal would still result in a public house use being retained on site. For the reasons indicated, I am not persuaded that there would be harm to the living conditions of residents and therefore, the use would be significantly disadvantaged by the adjacent residential uses. No detailed evidence has been produced to indicate the viability of a public house would be harmed as a result of the proposal and the development would provide housing. Given this, the consideration of the ACV is not determinative in my assessment. Whilst I have noted support for the public house, conversely some residents have called for the public house to cease. However, such views have not been substantiated on planning grounds and therefore would not outweigh my favourable findings on the proposal.

Conditions

15. Suggested conditions have been considered in light of advice contained in Planning Practice Guidance; for clarity and to ensure compliance with the Guidance, I have amended some of the Council's suggested wording. In its suggested conditions, the Council has indicated that many approved details should be implemented shortly after the grant of planning permission. However, the application has been treated as a proposal and such a requirement would therefore not be relevant and necessary. Nevertheless, a requirement for details to be submitted before development commences is necessary for some conditions given their importance to the successful outcome of the proposal.
16. A condition requiring that the development is carried out in accordance with the approved plans is necessary in the interests of certainty. In the interests of safeguarding the appearance of the development, conditions controlling external materials, landscaping and bin storage are necessary. To safeguard the interests of the living conditions of future residents, conditions are necessary to ensure sound insulation of the flats, including openings. Details of an extraction system have been submitted but in the absence of any comments on its acceptability, a condition is necessary to require the submission and approval of such details in the interests of the living conditions of residents.
17. A condition requiring the serving of food to be ancillary to this use would not be necessary because the proposed use is an A4 Use Class (public house, winebar or drinking establishment). Requiring the windows of the extension to be

obscure glazed in relation to 54a High Street is not needed because no neighbouring windows or private outdoor spaces would be affected.

Conclusion

18. For the above reasons and having regard to all other matters raised, I conclude that the appeal should be allowed.

Jonathon Parsons

INSPECTOR

Schedule A of attached conditions

1. The development shall be begun within three years of the date of the permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: 1485-001 Rev B2; 1485-002 Rev B2; 1485-003 Rev B2; 1485-004 Rev B2; 1485-005 Rev B2; 1485-006 Rev B2; 1485-EX-01A Rev B2; 1485-EX-02A Rev B2; 1485-EX-03A Rev B2; 1485-EX-04A Rev B2; 1485-EX-05A Rev B2; 1485-EX-06A Rev B2; 1485-PP-01A Rev B4; 1485-PP-02A Rev B4; 1485-PP-03A Rev B2; 1485-PP-04A Rev B4; 1485-PP-05A Rev B3; 1485-PP-06A Rev B2; 1485-PP-07A Rev B1.
3. No development shall commence until there shall have been submitted to and approved in writing by the local planning authority a scheme of landscaping. The scheme shall include indications of all planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species; plant supply lines and proposed numbers/densities where appropriate.
4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the residential flats or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
5. Details of the proposed ventilation system shall be submitted for approval in writing to the Council prior to the occupation of the A4 use, hereby permitted. The approved details shall be implemented prior to the occupation of the A4 use and retained thereafter.
6. No development shall take place until samples of the materials to be used in the construction of the external surfaces of the conversion hereby permitted have been submitted and approved in writing by the local planning authority. Such samples shall include the timber framed windows, brickwork and roof tiles. Development shall be carried out in accordance with the approved details.
7. No development shall take place until a schedule of all external repair and restoration work for the front façade has been submitted and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details prior to the first occupation of the flats, or the public house use being first brought into use, whichever is the sooner.
8. Before first occupation of the flats, details of all bin and cycle stores shall be submitted and approved in writing by the local planning authority. The approved details shall be fully implemented prior to the first occupation of the flats.
9. Construction work shall not begin until a noise assessment and mitigation scheme for protecting the proposed residential development from noise from the railway and public house has been submitted and approved in writing by the local planning authority. The mitigation shall specify details of sound

insulation for floors/ceiling, internal/external walls and window/door openings. All mitigation works shall be completed before the first occupation of the flats hereby permitted and shall thereafter be retained in accordance with the approved details.