
Appeal Decision

Site visit made on 22 May 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 6 June 2017

Appeal Ref: APP/L5240/W/17/3170462

The Portmanor Public House, Portland Road, South Norwood, London SE25 4UF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Kesh Nathwani against the decision of the Council of the London Borough of Croydon.
 - The application Ref 16/05130/FUL, dated 4 October 2016, was refused by notice dated 6 February 2017.
 - The development proposed is the conversion of vacant public house to form four x 1-bedroom and three x 2-bedroom flats through alterations and erection of basement, ground, first floor and second floor extensions with an external staircase together with provision for refuse and cycle stores.
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of vacant public house to form four x 1-bedroom and three x 2-bedroom flats through alterations and erection of basement, ground, first floor and second floor extensions with an external staircase together with provision for refuse and cycle stores at The Portmanor Public House, Portland Road, South Norwood, London SE25 4UF, in accordance with the terms of the application, Ref: 16/05130/FUL, dated 4 October 2016, subject to the conditions in the attached schedule.

Preliminary Matters

2. The proposal was amended during the Council's assessment. The revised description is set out on the Council's decision notice and within the appellant's appeal form. I have therefore used the amended description of development.
3. The Council and appellant were afforded an opportunity to provide representation in respect of whether, in the event planning permission was granted, it would be likely that the studies in Flats 2 and 3 would be used as bedrooms, whether it would be necessary to prevent this from occurring and, if it would be necessary to prevent these rooms from being used as bedrooms, whether a planning condition would be necessary to achieve this.

Main Issues

4. The main issues in this appeal are: 1) Whether the appeal scheme would preserve or enhance the character or appearance of the South Norwood Conservation Area and the area more generally; and 2) Whether the appeal
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scheme would provide adequate living conditions for future occupants with particular reference to outlook and privacy.

Reasons

Whether the appeal scheme would preserve or enhance the character or appearance of the South Norwood Conservation Area and the area more generally

5. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the South Norwood Conservation Area (CA).
6. In considering the significance of the CA, which is a designated heritage asset, the South Norwood Conservation Area Appraisal and Management Plan Supplementary Planning Document 2013 (SPD) explains that the CA is centred on the Victorian High Street, which is essentially intact and therefore its special interest is found in the scale, layout and architecture of these buildings. The Portmanor Public House occupies a prominent position at the junctions of Portland Road, Manor Road and Albert Road. As such, the SPD notes the public house as one of a number of landmark buildings. This is a conclusion I share due to the general appearance of the building including its Victorian ornamentation. This is even though it was fire damaged in the 1980s and has been subject to some unsympathetic alterations. Consequently, the building contributes positively to the character and appearance of the CA as a whole.
7. The appeal scheme is an amendment to a previous proposal which was refused by the Council with the subsequent appeal dismissed¹. The proposal now before me is much reduced in scale and massing. The Council suggest the second floor extension would incorporate an increase in the height of the central section of the building by 1.9 metres and the first floor extension would have a width of 3.7 metres. The proposed light well, at around 53.61 square metres (sqm), would be notably larger than that previously proposed and refused (31.92sqm).
8. The increase in the height of the second floor would result in the building having the outward appearance of being three storeys in height. This would not be uncharacteristic of the area with three storey buildings evident along Portland Road and the High Street. Additionally, the building can tolerate the proposed increase in height as it is a local landmark, and therefore a notable presence in the street scene is to be expected. Moreover, the extra height would provide a vertical emphasis and hierarchy to the form of the building. A point of particular note is that the ornate chimneys, pediment and lions would be retained and the additional second floor windows would complement those on the lower floors. As a consequence, the second floor extension would not harm the appearance of the building or street scene. Thus, the addition to the roof would adhere to the Council's guidance on roof extensions in its Conservation Area Guidance² as it would complement the character of the host building.
9. The proposed first floor extension would be recessed from the front and rear elevations of the existing building, would be significantly lower than the enlarged central section and would be finished in matching materials. The

¹ APP/L5240/W/16/3144269, which also refers to APP/L5240/W/15/3139403

² Conservation Area General Guidance Supplementary Planning Document 2013

extension would therefore appear as a subservient and harmonious addition to the building.

10. Extensive light wells, such as that proposed, are not a commonplace feature within the local area. The light well would also increase the building's sense of scale and could be the subject of insensitive subdivision and clutter. Nevertheless, it would only be evident in near distance views and a sensitive detailed design of the light well and any boundary treatment around it would assist in adding some quality to the space. The imposition of a straightforward planning condition would secure these details. On balance, the light well would not detract from the character of the building or street scene.
11. Taking the above points together, I conclude that the proposal would preserve the character and appearance of the CA. Its significance would not be harmed. The proposal would also preserve the character and appearance of the area more generally. As such, it would adhere to Policies 7.4, 7.6 and 7.8 of the London Plan (LP), Policies SP4.1, SP4.2, SP4.12, SP4.13 and SP4.14 of the Croydon Local Plan: Strategic Policies 2013 (CLP) and saved Policies UD2, UD3 and UC3 of the Croydon Replacement Unitary Development Plan (The Croydon Plan) 2006 (UDP). These policies require a proposal to be of a high standard of design that complements the context of the area and preserves or enhances its special interest. Some of these policies pre date the National Planning Policy Framework but they can still be afforded significant weight as they are consistent with Paragraphs 17, 58 and Section 12 of the Framework.

The adequacy of living conditions

12. The retaining wall that would be constructed as part of the light well would undoubtedly restrict the outlook from the bedrooms of Flats 1-4 due to its height and proximity to the windows serving these rooms. Each of the bedrooms labelled as 'Bedroom 1' in Flats 1 and 4 would be served by either two or three full height windows. However, the retaining wall would be at its closest to the appeal building outside these windows³. On balance, the extent of glazing and the size of the light well will ensure the outlook from these bedrooms would be acceptable.
13. Save for the bedrooms in Flats 1 and 4, the other bedrooms in the ground floor flats would be served by single windows and this would restrict the outlook and light entering the rooms, which are deep in plan. Flats 2 and 3 would each have an awkwardly shaped bedroom and study. The study was originally proposed as a bedroom but was relabelled after the Council raised concerns in respect of its usability due to its contrived shape. I share these concerns but simply relabelling the room on the drawings will not prevent its use as a bedroom and a condition requiring it to be used as a study would be overly onerous on the Council to enforce. Additionally, it would be beyond the scope of a planning condition to add a covenant specifying that the flats must be marketed as one bedroom properties.
14. Nevertheless, a condition could be imposed that requires the space to be remodelled so that the study and bedroom in Flats 2 and 3 become single rooms served by two windows. I have imposed such a condition as this

³ Drawing 14-117-PL-05 Rev B annotates the maximum depth of the proposed light well as being around 3.4m outside Flat 2 but both the appellant and Council have suggested the depth of the light well from the retaining wall would be 2.1m. The latter figure may be the closet point of the retaining wall to the flats.

modification would increase the light entering the bedroom in each of the flats, improve the extent of the outlook from each of these bedrooms and remove the awkwardness in the configuration of the space. On balance, increasing the size of the bedrooms, the number of windows serving them and the depth of the light well will, in combination, provide an adequate outlook and improve the general living conditions of the occupants of Flats 2 and 3. Such a condition is therefore necessary to make the development acceptable and would not significantly alter the proposal as Flats 2 and 3 would still remain as 1-bedroom properties.

15. The outlook from the second bedrooms in Flats 1 and 4 would be restricted by the retaining wall of the light well and there would not be an opportunity to increase the number of windows serving these rooms. However, as second bedrooms of a more conventional arrangement, which may not be as intensively used, the outlook would be acceptable.
16. Due to the size of the light well it could be used as amenity space by the occupants of Flats 1-4. These spaces would be overlooked from the street but this is not uncommon in flatted schemes, especially when balconies provide the amenity space. Moreover, the upper floor flats would have no amenity space and the Council have not raised concerns in this regard. Therefore the provision of amenity space for the lower floor flats, albeit over looked, would be an improvement over the upper floor flats. As such, the lack of privacy when in the light well would not a reason to dismiss the appeal in this instance. Moreover, it is unlikely that significant overlooking into the bedrooms would occur from street level due to the steep angle of the line of sight.
17. I therefore conclude that the appeal scheme would provide adequate living conditions for future occupants. It would therefore adhere to Policy 3.5 of the LP, Policy SP2.6 of the CLP and Policies UD8 and H2 of the UDP. These policies seek to secure new homes with adequate sized rooms that are efficient and functional and provide adequate levels of privacy and amenity to future occupants. Some of these policies pre date the Framework but they can still be afforded significant weight as they are consistent with Paragraph 17 therein.
18. The Council have suggested that the proposal would be at odds with the London Housing Supplementary Planning Document but I have not been directed to any specific part of this lengthy document. In any event, I have found the proposal to be consistent with the policies of the development plan.

Other Matters

19. The proposal would result in the permanent loss of the public house, which is a community asset. However, the Council have confirmed that the existing use is not protected by any local planning policy and it is not registered as an Asset of Community Value. Accordingly, there is insufficient justification for opposing the change of use in this instance. I share the conclusions of the Council that the proposal would not injure the living conditions of neighbours due to the careful orientation and scale of the proposed additions.
20. The previous Inspector in considering a similar scheme in 2016 did not consider the concerns relating to parking were sufficient to add to his reasons for dismissing the appeal. Substantive evidence has not been submitted that would lead me to a different conclusion, especially given the moderate to good

Public Transport Accessibility Rating, the presence of controlled parking nearby and the secure cycle storage that would be provided.

Conditions

21. I have had regard to the Planning Practice Guide and the Council's list of suggested conditions, which are all necessary subject to some minor revisions. In the interests of safeguarding the character of the area it is necessary for the development to be implemented in accordance with the approved drawings and reports, for details of materials and lighting to be approved, for the precise design of the light well, refuse and cycle store to be submitted and approved and for the new windows to be implemented and retained.
22. Notwithstanding the appellant's reservations, it is necessary to impose a condition securing water and carbon savings so as to adhere to development plan requirements. Substantive evidence has not been provided to demonstrate this would not be feasible. To safeguard the living conditions of neighbours and future residents it is necessary to secure a construction logistics plan and the remodelling of the ground floor of Flats 2 and 3.

Conclusion

23. From a consideration of the information presented I conclude that the appeal scheme would adhere to the development plan taken as a whole. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude the appeal should be allowed.

Graham Chamberlain
INSPECTOR

Schedule of Conditions

- 1) The development shall be begun within three years of the date of the permission.
- 2) The development shall be carried out entirely in accordance with the following approved drawings :- 14-117-01 ; 14-117-PL-06 ; 14-117-PL-07 ; 14-117-PL-08 ; PM-P-020 ; PM-P-021 ; PM-P-022 ; PMP- 023 Revision A ; PM-P-025 ; PM-P-026 ; PM-P-027 ; PM-P- 028 ; PM-P-30 ; PMP- 31 ; PM-P-32 ; PM-P-33 ; PM-P-34 ; PMP-35 ; PM-P-36 ; PM-P-37; 14-117-PL-05 Revision B (other than the layout of Flats 2 and 3) and the recommendations contained within the documents submitted with the application.
- 3) The windows at first floor level and above shall be implemented as specified in the approved plans and retained as such thereafter.
- 4) Notwithstanding drawing 14-117-PL-05 Revision B, a revised layout for the ground floor of Flats 2 and 3 shall be submitted to and approved in writing by the Local Planning Authority. The revised layout shall show the removal of the wall between the study and bedroom in each of the

flats. The development shall be implemented in accordance with the approved details and retained thereafter.

- 5) The external finishing materials shall not be applied until details of the external facing materials have been submitted to and approved by the Local Planning Authority in writing. The development shall only be implemented in accordance with such approved details with the materials fully applied prior to first occupation.
- 6) Prior to the commencement of the development the submission to the Local Planning Authority for its written approval shall be obtained with respect to the following matters:-
 - (a) Refuse storage (elevations/appearance details)
 - (b) Cycle storage (elevations/appearance details)
 - (c) Security lighting (siting and specification/manufacture details)
 - (d) The light well (elevations/sections/materials/methods of subdivision and boundary treatment within and around it)

Once approved the items above shall be implemented and retained in the form specified for so long as the development is in existence.

- 7) The development shall achieve a reduction in carbon dioxide emissions of 19% beyond the 2013 Building Regulations and a water use target of 110 litres per head per day. Evidence of this shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the dwellings hereby approved.
- 8) Prior to the commencement of any building or engineering operations, a Construction Logistics Plan shall be submitted to the Local Planning Authority for approval. The Statement shall include amongst other things the following information for all phases of the development, which shall only be implemented as approved:-
 - (a) hours of deliveries;
 - (b) parking of vehicles associated with deliveries, site personnel, operatives and visitors;
 - (c) facilities for the loading and unloading of plant and materials;
 - (d) details of the precautions to guard against the deposit of mud and substances on the public highway, to include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances prior to entering the highway; and
 - (e) access arrangement to the site during the demolition and construction periods.