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## Appeal Decisions

Site visit made on 27 February 2018

**by Nick Fagan BSc (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 28 March 2018**

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### **Appeal Ref: APP/L5240/W/17/3188645**

#### **130 Brighton Road, Purley, Surrey CR8 4EX**

- 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 Herald Holdings Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/01035/FUL, dated 28 February 2017, was refused by notice dated 18 May 2017.
  - The development proposed is the construction of an extension in the central area of the existing building at ground floor and first floor levels to create 2 no. new one bedroom flats.
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### **Appeal Ref: APP/L5240/Y/17/3188648**

#### **130 Brighton Road, Purley, Surrey CR8 4EX**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Herald Holdings Ltd against the decision of the Council of the London Borough of Croydon.
  - The application Ref 17/01036/LBC, dated 28 February 2017, was refused by notice dated 18 May 2017.
  - The works proposed are the construction of an extension in the central area of the existing building at ground floor and first floor levels to create 2 no. new one bedroom flats.
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### **Decision**

1. Both appeals are dismissed.

### **Main Issue**

2. The main issue in both appeals is the effect of the proposed development/works on the special interest of this Grade II listed building.

### **Reasons**

3. The listed building is a two storey structure (plus roof space) designed in 1929 by Architects Nicholls and Hughes in a Neo-Classical style and opened by the Lord Mayor of London in 1930. It was built to house the Council offices of the then Coulsden and Purley Urban District Council. The original front part of the building housed the Council chamber and Committee rooms. The rear part of the building was added on in 1937, by the same architects in the same style, and contains what were the administrative offices of the Council.

4. In considering whether to grant listed building consent or planning permission for any development/works I must have regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses.
5. The building was vacated in 1965 following local government reorganisation in London. The rear later part of the building was converted into 24 self-contained flats following planning and listed building consent in 2003. The original front part of the building was until recently used by a children's nursery, including the use of the balcony at first floor level within the front courtyard of the building, which is accessed from French doors within the former Council chamber.
6. The proposal is to infill the majority of this balcony space by providing two one-bedroom flats in each of the two side wings accessed from a proposed communal hallway on the return part of the balcony. The flats would each have three mansard windows facing into the courtyard and the hallway would have two larger mansard windows facing towards the former Council chamber one of which would light the new staircase, which would be accessed from one of the two transverse linking ground floor corridors.
7. The roof of the new mansard extensions would be no higher than the existing ridge of the linking side wings of the building and so it would not be seen from the side street next to the Fire Station. To this extent I agree with the appellant that its external impact would be less than that of the recently constructed second floor mansard extension in the rear courtyard of the building. I also agree that, because the mansards to the flats would be inset some distance from the edge of the existing first floor balcony, they would not impact unduly on the space within the courtyard itself.
8. However, the mansard windows would project beyond the French windows of the former Council chamber in the front part of the building. This would compromise the view outward from this important room and partially block open views of them from the courtyard itself and from the new flats in the rear courtyard. The Council chamber is specifically identified in the listing description as being one of the key important rooms. Whilst the French doors themselves would be preserved and could still be opened I consider that their 'hemming in' in this manner would fail to preserve an important element of the building's significance.
9. The floor plan of the 1937 addition to the building is not specifically mentioned in the 2002 listing description. But the two transverse linking corridors in this part of the building are an important part of its original design. The residential conversion works have involved blocking up some of the internal door openings but the frames remain and these together with the corridors serve to preserve the building's internal character and enable its previous function to continue to be appreciated.
10. In order to create a new staircase to the new first floor flats the proposal requires the ground floor corridor adjacent to the front courtyard to be stopped up by a new partition. The appellant states<sup>1</sup> that the staircase would be located to one side of the corridor and would only take up a small part of this space. But the plan it refers to is the first floor plan; the whole of the ground

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<sup>1</sup> Statement of Case, paragraph 6.3

floor corridor's width would be required for the new staircase, hence the partition across it shown on plan 154BRI- 10/B. This would significantly compromise the ground floor plan of the listed building by blocking up one of its transverse linking corridors, because it would make it harder to understand the form, layout and previous function of the building.

11. I can appreciate why the appellant might feel that the proposed works are the last works that the building could accommodate to maximise its beneficial residential use. But because of their effect on the former Committee Room's French doors and the blocking of the ground floor corridor, which are important elements of the building's architectural and historic significance, I consider that 'less than substantial harm' would be caused to the listed building as defined in paragraph 134 of the National Planning Policy Framework (NPPF).
12. This paragraph states that such less than substantial harm should be weighed against the public benefits of the proposal. The benefits in this case are that two additional market housing units would be added to the Borough's supply and enhancement works that the appellant is prepared to carry out to the front of the listed building. Whilst I appreciate that such improvement works would be unlikely to occur in the absence of the proposed development they are of a fairly minor nature and the existing nature of the building's front elevation does not particularly detract from its listed status. Two additional residential units would be a welcome addition to the Borough's housing supply. But these benefits would not outweigh the harm to the significance of the listed building identified above.
13. 'Less than substantial harm' does not equate to a less than substantial planning objection. Section 12 of the NPPF states and current case law supports that serious consideration and weight must be given to any harm to a listed building.
14. Policy 7.8 of the London Plan (LP) states that the significance of heritage assets should be conserved. On the day of my visit the Council adopted the new Croydon Local Plan (CLP). This supersedes the Croydon Local Plan: Strategic Policies (2013) and replaces the Saved Policies of the Unitary Development Plan (2006). Having asked the main parties which policies in the new Plan they consider to be most relevant it appears to me that Policy DM18 (Heritage assets and conservation), particularly Policy DM18.1, is. This requires that heritage assets and their settings are preserved. For the above reasons the proposed development/ works would fail to comply with LP Policy 7.8 and CLP Policy 18.1.
15. For the reasons given above I conclude that the appeals should fail.

*Nick Fagan*

INSPECTOR