



Appeal Decision

Site visit made on 15 January 2020

by Martin Chandler BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2020

Appeal Ref: APP/P0119/W/19/3239747

Red Lion Public House, 76 Broad Street, Staple Hill BS16 5NL

- 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 Premium Abodes against the decision of South Gloucestershire Council.
 - The application Ref P19/3976/F, dated 2 April 2019, was refused by notice dated 26 July 2019.
 - The development proposed is demolition of existing extensions and ancillary outbuildings. Erection of a two storey side comprising A4 floorspace at ground floor and self-contained flat at first floor level. Sub-division of existing first floor flat to create 2no. self-contained flats. Erection of 2no. semi-detached dwellings (fronting Saunders Road) and 1no. detached dwelling (fronting Broad Street), with access, parking, landscaping and associated works. Resubmission of withdrawn application PK18/4888/F.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i) the effect of the proposal on the character and appearance of the area, with particular regard to the non-designated heritage asset;
 - ii) whether the proposal would provide suitable living conditions for future occupiers, having particular regard to private amenity space;
 - iii) the effect of the proposal on the viability of the existing local facility; and
 - iv) whether the proposal makes adequate provision for car parking

Reasons

Character and appearance

3. The appeal site consists of a large, two storey public house faced in coarse stone work with generous window surrounds, prominent quoining detail, and a large forward facing gable to the eastern end of the building. To the west of the building, there is an open car park, beyond which there is a car repair garage with a large open forecourt. To the east, the public house has an amenity space with tables and chairs which is enclosed by a stone wall and mature landscaping.

4. Due to the layout of the site, the building has space about it with generous gaps between neighbouring buildings. This space affords the building a significant prominence within the street scene and contributes in a positive manner to the character and appearance of the area. Accordingly, due to its architectural detailing, as well as its scale and location, it has been identified by the Council as a building that makes a significant contribution to the character and distinctiveness of the locality. As a locally listed building, it is therefore a non-designated heritage asset for the purposes of the National Planning Policy Framework (the Framework).
5. The proposal would redevelop the site and introduce buildings on areas that are currently open. To the south west corner of the site, the proposal would introduce a pair of semi-detached houses, which, architecturally, would seek to replicate the form and scale of the terraced houses that front onto Saunders Road. The houses would also be set back from the narrow road to the same extent as the existing terraced houses. There would be a small and tapering gap between the proposed and existing houses, however, due to the sense of enclosure provided by the existing terraced houses, this gap would not result in a cramped or oppressive form of development. Instead, it would somewhat mimic the traditional form of the adjacent terrace. In this respect therefore, the proposed houses would be complementary to the prevailing character and appearance of the area.
6. The proposed extension to the public house would represent a more contemporary piece of architecture. It would take the form of a two storey, flat roof addition, with a small linking structure set back from the front facades. The ground floor would be enclosed with large expanses of glazing and the upper floor would be faced in reconstituted stone.
7. The overall height of the extension would be substantially lower than the adjacent gable of the public house. In addition, due to the linking structure, the proposal would be somewhat separated from the more dominant form of the existing building. Although the flat roof would be architecturally different, due to the lower height of the extension, the form of the existing building would continue to be exposed. This would include the cornice and parapet detailing of the west elevation. Consequently, rather than representing a brutal and imposing addition, I am satisfied that the proposed extension would represent a suitably subservient addition to the public house which would be complementary to the building when viewed within the broader street scene.
8. However, notwithstanding the above, the proposed redevelopment would also introduce a detached dwelling to the north east corner of the site. This would be a wide structure that would be slightly set back from the road. However, due to the width of the building, the corner of the gable end would abut the enclosing stone boundary wall. Accordingly, it would significantly reduce the space about the public house building which, as identified above, currently contributes to its setting in a positive manner. Additionally, the structure would breach the established building line of the terraced houses within Lydney Road. As a consequence, the building would appear as an excessively dominant and cramped structure within the street scene. This would be detrimental to the significance of the non-designated heritage asset as well as the broader character and appearance of the area.

9. The detached house would seek to repeat the architectural form of the public house. However, due to the high cill height of the ground floor windows, they would fail to generate the elegant proportions of the adjacent building. In addition, due to the provision of accommodation within the roofspace, the eaves height of the building would be raised above the first floor windows with a substantial element of intervening masonry. Therefore, whilst the building would remain lower than the adjacent public house, it would appear artificially tall, a feature that would jar with the proportions of the adjacent building.
10. Based on the evidence before me, a building was previously located on this element of the site. Whilst the scale of the building is unclear, the evidence shows it to be set back further into the site. Consequently, it would have had a materially different relationship with the public house building and the surrounding context. However, due to the height, width and location of the proposed detached dwelling, it would fail to complement the existing building or the surrounding built form. The dwelling would therefore appear overly large and cramped in a very prominent location. Accordingly, it would have a harmful impact on the character and appearance of the surroundings as well as the significance of the non-designated heritage asset.
11. Therefore, for the reasons identified above, and having particular regard to the non-designated heritage asset, I conclude that the proposal would have a significant and demonstrably harmful effect on the character and appearance of the area. As a consequence, it would fail to accord with Policies CS1 and CS9 of the South Gloucestershire Local Plan Core Strategy 2006 – 2027 (CS), Policies PSP1 and PSP17 of the South Gloucestershire Local Plan, Policies, Sites and Places Plan (2017) (PSPP), and guidance within the Local List Supplementary Planning Document (2008). Taken together, these require that the siting and form of development are informed by, respect, and enhance the character and distinctiveness of a site and ensure heritage asset's are conserved, respected and enhanced in a manner appropriate to their significance. These policies are consistent with those within the Framework.

Living conditions

12. Policy PSP43 of the PSPP states that private and communal external amenity space should be functional and safe, easily accessible from living areas, orientated to maximise sunlight, be of a sufficient size and functional shape to meet the needs of the likely number of occupiers, take account of the context of the development, including the character of the surrounding area. The policy also sets out, as a guide, minimum square metre standards.
13. Plots 1 and 2 would provide 3 bedroom houses although the amenity space provided would be less than the 60m² guide established in Policy PSP43. Despite this, the houses would be immediately adjacent to the terraced houses of Saunders Road and the amenity space provided would be comparable in size with the adjacent gardens. Accordingly, I am satisfied that this element of the proposal would take account of the context of the development and the character of the surrounding area. Additionally, the gardens would comply with the other requirements of the relevant policy.
14. Plots 3, 4 and 5 would be apartments and would be provided with no private or communal amenity space. However, as acknowledged by the Council, the site lies in a highly sustainable location and close to a local park, which based on the evidence before me, provides open space, sporting facilities and a

children's play area. Although no private amenity space would be provided for the occupants of the apartments, the Council have not articulated what harm would derive from such a lack of provision. Consequently, due to the proximity of such usable open space, I am satisfied that this would compensate for the under provision for the proposed apartments.

15. Notwithstanding the above, Plot 6 would be provided with a small courtyard to the rear. It is suggested that the building has been designed as a cluster flat for students or professional sharers, rather than as a family dwelling. However, the proposed floor plan is broadly akin to a traditional 4 bedroom dwelling and there is no mechanism before me through which to secure a specific tenure. Consequently, the 5m² per one bed flat as identified by local plan policy would not represent an appropriate baseline against which to assess the proposal. Moreover, based on the evidence before me, I have no reason to consider that this element of the proposal would represent specialist residential accommodation.
16. Accordingly, Plot 6 would provide a 4 bedroom dwelling with a small courtyard. Whilst small gardens are commonplace in the surroundings, due to the size of the proposed dwelling, in my view, the amenity space would not be of a sufficient size or functional shape to meet the needs of the likely number of occupiers. Moreover, due to the size and nature of the proposed dwelling, the park close to the appeal site would not offer an adequate alternative.
17. Consequently, although much of the proposal would offer suitable amenity space for future occupants, plot 6 would be provided with a demonstrably small courtyard for the size of the dwelling proposed. Therefore, having specific regard to plot 6, I conclude that the proposal would fail to provide suitable living conditions for future occupants. Accordingly, it would fail to accord with Policy PSP43 of the PSPP which establishes the requirements for private amenity space.

Viability of local facility

18. Through Policy PSP34 of the PSPP, the Council supports the retention of Public Houses. The policy also states that redevelopment proposals will be acceptable where they would not compromise the viability of a service of particular value to the local community.
19. The proposal would see the loss of some of the facilities that are currently offered by the public house. This would include the existing beer garden, the skittles alley, and the car parking spaces. However, the operation would also be extended through the ground floor of the proposed side extension and from the appellant's perspective, this would enable the premises to be modernised.
20. Despite the Council's concerns in relation to the effect on the viability of the business, the existing offering of the public house cannot be controlled through the planning system. The skittles alley could be re-utilised and the beer garden closed. Essentially, these matters relate to commercial decisions and I have no substantive evidence before me to confirm that the proposal would compromise the viability of the business. Instead, the proposal represents a commercial decision which, based on the evidence before me, seeks to retain and enhance the existing public house. In this respect, the proposal would be entirely consistent with the aims of Policy PSP34.

21. I therefore conclude that the proposal would not harm the viability of the local facility. Accordingly, it would comply with Policy PSP34 of the PSPP which seeks the retention of Public Houses.

Car Parking

22. The proposal would provide 10 parking spaces for the residential element of the proposal. However, based on the Council's parking standards the proposal should provide 11 spaces. I note the reservations from neighbouring residents on this point. However, to compensate for the reduced provision, and in line with discussions in advance of the appeal being submitted, the appellant has submitted a completed Unilateral Undertaking (UU) to meet the cost of a Traffic Regulation Order for the provision of a car-club parking space on the public highway.
23. I am satisfied that the UU complies with the requirements of the CIL Regulations 2010 and on this basis, I conclude that the proposal would make suitable provision for car parking. Consequently, it would accord with Policies CS6 and CS8 of the CS and Policy T12 of the South Gloucestershire Local Plan (2006). Taken together, these establish the transportation requirements for development, including the requirement for car parking to be well integrated, and for site specific measures to directly mitigate the impact of development.

Conclusion

24. Paragraph 197 of the Framework requires a balanced judgement to be made in relation to proposals which harm the significance of a non-designated heritage asset. On this basis, I have found that the proposal would not harm the overall viability of the existing public house and that the proposal would adequately respond to parking concerns due to the provision of a suitable UU. However, the lack of harm is not the same as a benefit and consequently, these matters hold limited weight in my assessment of the appeal.
25. In contrast, and having particular regard to Unit 6, I have found that the proposal would fail to provide suitable living conditions for future occupants. Moreover, for the reasons identified above, the proposal would be harmful to the character and appearance of the area and would harm the significance of the non-designated heritage asset. These matters are of overriding concern and weigh very heavily against the proposal.
26. Consequently, taking a balanced judgement, for the reasons identified above, the appeal should be dismissed.

Martin Chandler

INSPECTOR