



Appeal Decision

Site visit made on 21 January 2020

by Mr W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 March 2020

Appeal Ref: APP/G5750/W/19/3240146

The Overdraft Tavern, 200-202 High Street North, East Ham, London E6 2JA

- 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 Seeralan Govindaraja against the decision of the Council of the London Borough of Newham.
 - The application Ref 19/02266/COU, dated 13 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is described as: 'Conversion of storage and office space into 1no two bedroom maisonette to include change of use'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There is agreement between the main appeal parties that the development is not considered to result in any harm to the significance of the nearby heritage assets¹. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special regard to the desirability of preserving or enhancing a listed building or its setting or any features of special architectural or historic interest which it possesses. I find that the proposed development would conserve the heritage assets in a manner appropriate to their significance in line with the National Planning Policy Framework (the Framework).
3. At the time of my site visit, I saw that the development of the 1no. two-bedroom maisonette was substantially complete. I also had the benefit of seeing the scheme in place. I have dealt with the appeal on this basis.

Main Issue

- The main issues for this appeal is the effect of the development on the vitality and viability of the commercial unit.

Reasons

4. The appeal site is located within a recently constructed extension to the original property and is itself located to the rear of the extension. The residential property has accommodation located on the ground floor and lower ground floor of the extension, which is linked by a staircase. Access to the dwelling is taken from Sibley Grove.

¹ East Ham Underground Station, which is Grade II Listed and the locally listed No. 1-8 Station Parade.

5. There is clearly a disagreement between the main parties regarding the previous use of the site, as the appellant asserts that the site, subject of this appeal has never been used in conjunction with the public house. I note reference by the main parties to the planning application² (the original permission) for the extension to the original property and to the associated plans³ provided by the appellant. Whilst the appellant asserts that there is a lack of an internal link between the site and the public house, I note that the approved proposed ground floor plan identifies notable permeation through the building on this level.
6. Additionally, I note on the Proposed Section reference is made to 'Existing Commercial Use', which corresponds with the location of the public house, and in the area of the building, subject of this appeal 'Extension to Existing Commercial Use'. Therefore, on the basis of the evidence before me, I find it highly likely that the site formed part of the extension to the existing commercial use. Whilst, I note the extensive planning history associated with the wider site, issues of compliance with approved plans are not a matter for this appeal. Although the appellant refers to the site forming part of a residential extension, it clearly had commercial floorspace included in the approved scheme.
7. Nevertheless, on the balance of the evidence provided, given the layout of the existing commercial premises, I am not satisfied that the amount of associated floor space approved under the original permission is not necessary. Consequently, I am not convinced that the long-term viability of the public house on the site would not be compromised by a reduction in the amount of floor space. I note reference by the appellant to the length of time that the public house has operated without additional storage or offices, but there is little in the way of evidence to the conditions of the site prior to the implementation of the original planning of the extension or the background to the original permission. On balance, I consider that the residential development subject of this appeal adversely effects the operation and function of the public house.
8. Consequently, I conclude that the vitality and viability of the commercial function of the site is not maintained. The proposed development would therefore fail to comply with the commercial aims of Policies S1, S6, SP6, INF5 and INF8 of the Council's Local Plan 2018, Policies 2.15, 4.7, 4.8 of the London Plan 2016, Policies S1, SD6, HC7 of the Draft London Plan 2019 and the requirements of the Framework.

Other Matters

9. There would be benefits from the proposal through provision of an additional dwelling to the Council's housing stock in a suitable location and economic activity expenditure in the local area by its future occupants. However, this would be limited, given the scale of the development. Additionally, the dwelling would provide a satisfactory level of internal accommodation from a living conditions perspective, but this is a neutral matter in the overall planning balance. Taken together these benefits would not outweigh the harm identified.

² DC/16/03449/FUL

³ 0453/3/D/100/00; 0453/3/D/101/00 (the Proposed Ground Floor Plan); 0453/3/D/102/00; 0453/3/D/103/00; 0453/3/D/104/00; 0453/3/D/200/00; 0453/3/D/201/00; 0453/3/D/202/00 and 0453/3/D/300/00 (the Proposed Section) by Base Associates dated October 2016.

10. I have noted the comments in relation to Council Tax, but I find that this does not affect the planning merits of the case and is of little consequence with regard to the appeal scheme before me. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.
11. My attention has been drawn to interim advice from Natural England regarding the Epping Forest Special Area of Conservation (SAC) Mitigation Strategy. The Council has confirmed that it does not consider that the proposed development would have a significant effect on the SAC, or that screening of the development under the Habitat Regulations would be necessary in this case. Accordingly, and as I am dismissing the appeal in any event, I have not needed to consider this matter further.

Conclusion

12. I have found that the proposal would be contrary to the development plan when taken as a whole, and there are no other considerations which outweigh this finding. It would also be at odds with the objectives of the Framework.
13. Taking all matters into consideration, I conclude that the appeal should be dismissed.

W Johnson

INSPECTOR