
Appeal Decision

Site visit made on 15 September 2020

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 6th October 2020

Appeal Ref: APP/Y5420/W/19/3241476

Hornsey Tavern, 26 High Street, Hornsey N8 7PB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Bellview Housing Limited against the decision of the Council of the London Borough of Haringey.
 - The application Ref: Ref: HGY/2019/2407, dated 22 July 2019, was refused by notice dated 24 October 2019.
 - The development proposed is described as amendment to the approved ground floor layout under ref: HGY/2018/1441 to rationalise the public house floorspace to ground and basement levels and creation of a new 2 bedroom 4 person residential flat at ground floor level.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's statement of case states that the application had been recommended for approval by officers. Nevertheless, the Planning Officer's Report recommends refusal and I assess the proposal on this basis.

Background and Main Issues

3. The site is located within Hornsey High Street Conservation Area (CA). While not among the reasons for refusal, the effect of the proposal on the CA is raised as a matter of concern within the Planning Officer's Report. Furthermore, I have had regard to the duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.
4. Having regard to the above, the main issues are:
the effect of the proposed development on
 - the viability of the public house and its retention as a community facility, and
 - the living conditions of future occupants of the ground floor flat, with particular regard to usability of outdoor amenity space, outlook and privacy

and

- whether the proposed development would preserve or enhance the character or appearance of the CA.

Reasons

Viability of the public house and retention as a community facility

5. The site comprises the Hornsey Tavern public house and flats. It is located on the corner of High Street and St Mary's Road, within Hornsey Local Centre. High Street is characterised by ground floor shops and businesses, with some residential use of upper floors.
6. The upper floors of the pub building contain residential accommodation. To the rear of the pub, new flats on upper floors and the ground floor shell have been constructed under a scheme for retention of the existing public house floorspace and erection of an extension to create eight flats, which was granted planning permission in 2018¹ (scheme A). The appeal proposal would entail amendment of the ground floor layout to accommodate a ninth flat, compared to that approved under scheme A.
7. Another scheme for nine flats was refused planning permission in May 2019² (scheme B). The first reason for refusal concerned viability of the pub and comprises the same wording as the first refusal reason for the current appeal scheme.
8. Under the appeal proposal the pub's basement, which was previously used for beer and other storage, would change to pub sales space. Compared to the refused scheme B, changes in the appeal scheme include addition of a lift to the basement and a lightwell within the previously envisaged ground floor pub floorspace, and an increased basement ceiling height of 2.5m.
9. Judging by the layout plans³, the total pub floorspace across the ground floor and basement levels would be in the region of 219 sq.m. This would be an increase compared to approximately 172 sq.m for the previous public house layout and approximately 207 sq.m for the approved Scheme A.
10. Nevertheless, the appeal scheme would result in around half the previously approved pub floorspace at ground floor level⁴ being replaced by a flat. This, in combination with the space taken up by the proposed lift, lightwell and disabled toilet would reduce the ground floor pub space by around half, compared to approved Scheme A. It would also substantially reduce the amount of ground floor pub sales area, compared to the previous pub layout. Consequently the available area of pub floorspace at ground floor level would be substantially reduced, compared to both that previously approved and in operation.
11. Furthermore, compared to approved scheme A and the previous layout, this would change the dynamic from a more spacious bar at ground level to an increased total floorspace split into two individually smaller rooms, and split between ground floor and basement. This would reduce the appeal of the pub to customers who prefer the ground floor level pub experience to a basement space due to outlook, reduced sense of enclosure, immediacy of access or a sense of traditional pub layout. The proposal would also result in a substantial

¹ Planning Application Ref: HGY/2018/1441.

² Planning Application Ref: HGY/2019/0987.

³ And as set out in paragraph 4.2 of the appellant's statement of case.

⁴ As per scheme A.

reduction in the amount of street level bar space with natural light, which is available for functions and live entertainment. Together, the above would diminish customer appeal of the pub

12. The appellant states that due to poor trading over past years the previous pub business was not viable. The appellant's letting agent considers that the basement area would be 'an ideal layout' for a restaurant/bar operator and the revised appeal scheme could achieve the previously envisaged rent of £35,000. The appellant also asserts that the proposal, with lift access to the basement area, would improve the potential viability of the public house to wheel chair and other mobility impaired users. They also hope to attract diverse groups within the local community, such as families with young children using push buggies.
13. The appellant considers that the proposal would rationalise the pub floor space and, through the proposed new use of the basement, contribute positively to the viability of Hornsey Local Centre.
14. However, it is not substantively demonstrated how around half the ground floor pub area which was previously considered appropriate for approved Scheme A could be dispensed with, without undermining the longer term viability of the pub. Moreover, there is no substantive demonstration of ground floor accessibility deficiencies in approved Scheme A, or the previous pub layout. Nor is it evident that the addition of the proposed ninth flat would make the difference between the pub being viable and not.
15. Given the above, I find that, notwithstanding the proposed overall net increase in pub sales floorspace, the substantial reduction in ground floor sales area and replacement of part of it within the basement would result in significant risk to the viability of the pub. No substantive economic viability appraisal of the proposed pub scheme is presented to persuade me otherwise.
16. According to the London Borough of Haringey List of Assets of Community Value (November 2019) the pub is not an Asset of Community Value. However, this does negate the role of the public house as a community facility. Furthermore, the requirement remains to assess the case on its individual planning merits.
17. To conclude, the proposed development would jeopardise the long term viability of the public house and its retention as a community facility. As such, it would conflict with Policy HC7 of the London Plan (2016) (LP)⁵, Policies SP15 and SP16 of Haringey's Local Plan Strategic Policies 2013-2026 (2013, consolidated with alterations 2017) (SP), and Policy DM50 of the Haringey Development Management DPD (2017) (DMD). Together the policies seek to ensure that development protects cultural heritage and community facilities, including public houses.

Living conditions of future occupants

18. The second reason for refusal for scheme B concerned lack of private outdoor amenity space (OAS) for the proposed ninth flat on the ground floor. Further to this, OAS has been added to the appeal scheme in the form of two recessed spaces partly enclosed at the sides by obscure-glazed privacy panels up to

⁵ The London Plan: The Spatial Development Strategy for London, Consolidated with Alterations since 2011, March 2016.

approximately head height, with around a 1m gap above. These would be located at street level, directly adjoining the pavements on St Mary's Road and Birkbeck Road. As such, they would adjoin an apparently well used pedestrian route between the nearby 'green link' at the side of Saint Mary's Community Centre and the High Street. The proposed OAS would be also close to the pub's refuse store and side exit.

19. Activity involving staff accessing the refuse store and customers' movement in and out of the pub and along the pavement at weekends and late evenings is likely to cause noise and disturbance to the OAS. Furthermore, the degree of enclosure of the OAS would result in the latter and adjoining rooms having restricted outlook and a limited sense of the outdoors. The above together would reduce the attractiveness of the OAS for use by future occupants of the proposed ninth flat.
20. The side windows of the kitchen/living/dining room and bedroom No 1 would provide some outlook onto the OAS. That said, the latter's proximity to the street would encourage the addition of privacy screening of the windows, thus limiting outlook.
21. Furthermore, the high level obscure-glazing to the window of bedroom No 2 would prevent outlook. The side door to the OAS from bedroom No 2 would provide outlook onto part of the OAS. However, given the proximity of the OAS and the ground floor door to the street, this door is likely to be substantially screened to protect privacy. Together, the above would lead to lack of acceptable outlook from bedroom No 2.
22. The proximity of the proposed large rear window of the kitchen/living/dining room to the adjoining pavement would also result in lack of privacy and invite obscurity of the window.
23. The proposed OAS would satisfy the quantitative criteria of Policy D4 of the DMP. However, for the reasons described above, the proposal would fail to satisfy the requirement under criterion F of Policy D4 of the DMP to maximise the usability of outside amenity space.
24. In conclusion, the proposal would not provide acceptable living conditions for future occupants of the proposed ground floor flat, in respect of usability of outdoor amenity space, outlook and privacy. As such, it would conflict with Policy DM12 of the DMD and Policy D4 of the LP, which together seek to ensure that development is of sufficient design quality to safeguard the living conditions of residents.

Character and appearance of the CA

25. From what I saw during my site visit, the CA's significance lies in its traditional town centre character. This derives from the evolution of architectural character from the eighteenth century via the Victorian railway era into the early twentieth century, along and leading off the 'spine' of Hornsey High Street.
26. The Planning Officer's Report sets out that the proposed aluminium double doors of the pub bin store would not contribute positively to the character and appearance of the CA. However, such doors are within the same elevation of previously approved scheme A. As such, this element of the appeal scheme would not stand out more than that already approved.

27. However, the outer faces of the proposed covered amenity areas would comprise obscure-glazed privacy panels up to around head-height, with approximately a 1m gap above. Located at street level and directly adjoining the pavement, these elements of the building facade would, through their modernity and materiality, stand out and visually jar with the traditional pub frontage and character of the CA. These effects would be noticeable from the High Street, including from Rectory Gardens, and on St Mary's Road which is an apparently well used pedestrian route to and from the High Street.
28. Furthermore, for reasons described above, the proposal would put the future use of the building as a public house at risk. Future cessation of the building's use as pub a would further detract from the traditional character of this prominent corner of High Street and St Mary's Road. Together, the above would be detrimental to the character and appearance of the CA.
29. The totality of harm identified would be significant, relative to the site and the immediate surroundings of the proposal in the CA. The effect would be localised and therefore would constitute less than substantial harm to the significance of the CA as a whole. In such circumstances I therefore necessarily weigh the harm against the public benefits of the proposal.
30. With regard to the above, the proposal would add to the local supply of housing, with associated socio-economic benefit during and after construction. However, these benefits would be limited by the scale of proposed development. The proposal would bring new investment into the fabric of the pub. However, this benefit would be tempered by the risk to the longer term viability of the pub.
31. Consequently, the limited public benefits do not outweigh the great weight given to the conservation of the CA and the less than substantial harm to its significance which I have identified.
32. In conclusion, the proposed development would fail to preserve or enhance the character and appearance of the CA. There is not convincing justification for the identified harm, and the proposal would fail to conserve the heritage asset in manner appropriate to its significance. In these respects, the proposal would conflict with Paragraphs 184 and 195 of the National Planning Policy Framework.

Other Matters

33. As set out above, I have determined that the public benefits of the proposal are insufficient to outweigh the less than substantial harm that would be caused to the significance of the heritage asset. Accordingly, I confirm that overall, the benefits of the proposal, are insufficient to outweigh the totality of the harm that I have identified in relation to the main issues in this case.

Conclusions

34. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR