



Appeal Decision

Site visit made on 8 December 2020 by Thomas Courtney BA(Hons) MA

Decision by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 February 2021

Appeal Ref: APP/C5690/W/20/3256896

117 Courthill Road, Hither Green, London, SE13 6DW

- 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 Peter Braun against the decision of the London Borough of Lewisham Council.
 - The application Ref DC/20/115687, dated 11 February 2020, was refused by notice dated 1 July 2020.
 - The development proposed is the change of use of part ground floor from public house (class A4) to HMO (sui generis).
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Decision

1. The appeal is dismissed.

Application for Costs

2. An application for costs was made by Mr Peter Braun against the London Borough of Lewisham Council. This application is the subject of a separate decision.

Appeal Procedure

3. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural matter

4. The application was submitted retrospectively, and I have considered the appeal on the same basis.

Main Issues

5. The main issue is the effect of the development on the future viability of the public house.

Reasons for the Recommendation

6. The appeal site accommodates a two-storey purpose built public house located in a prominent position within an established residential area. The public house appears to have ceased trading at some time between 2015 and 2017. Subsequently, the first floor and loft were converted to residential accommodation. The ground floor is comprised of the main bar area and associated washrooms, as well as two rooms to the rear which are the subject of this appeal.
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7. The appellant asserts that the two rear ground floor rooms were offices and not originally accessible to the pub customers, and hence their use as living accommodation has not reduced the public floor space of the pub. The Council, on the other hand, contends that these rear rooms were an integral part of the pub and point to the floor plans for previous applications at the site which appear to show them as public areas along with the other parts of the ground floor. Whilst I cannot determine conclusively that the rooms in question originally formed part of the pub floor, it is clear to me that they did nonetheless form part of the public house use. Their conversion has therefore resulted in a net loss of public house (use class A4) floor space.
8. Although the appellant states that the pub is still decently sized, the proportion of floorspace that has been lost to the development is substantial and will inevitably affect its future viability. Moreover, though there may be available space within the basement for public use, this would generally not be of comparable quality to ground floor level floor space. Indeed, this space would largely be used for storage and the offices as shown on the plans. As such, I find that the loss of the space within the two rear rooms undermines the future viability and operating conditions of the public house use. It cordons off space which could be used by customers or as back offices, and limits the future ability to access and use the rear yard in connection with the pub.
9. I also recognise that the pub's surroundings are distinctly residential with accommodation above as well as adjacent to the pub. Therefore, the relationship between the pub and the ground floor rooms would be no different to that between the pub and these other nearby residential units. Also, it is possible for noise insulation measures to be installed which may address noise from being a concern of the ground floor rooms. Nonetheless, this does not address the loss of floorspace and the effect of that on the future viability of the pub.
10. Given that the development harms the future viability of the pub, Policy 20 of Lewisham's Development Management Document and Draft London Plan Policy HC7 require that evidence is provided that demonstrates that there is no longer a demand for the pub. Though I accept the appellant does not intend to remove the pub use completely so has not provided substantive marketing evidence, the impact of the development on the pub's viability would effectively lead to its loss.
11. I acknowledge that restrictions associated with COVID19 have adversely impacted the demand for opening new businesses such as public houses however this is most likely only a short-term concern and would not affect its long-term viability alone. Also, any new occupier of the pub would most likely expect the pub to need some renovation and I have no evidence to suggest the level of repair required would be prohibitive.
12. The provision of two bedrooms is a negligible contribution to the supply of housing and does not outweigh the harmful loss of public house space.
13. Given the above, I conclude the development has resulted in a loss of net public house (use class A4) floor space which has adversely impacted the operating conditions and future viability of the public house use. The development would thus conflict with Policy 20 of Lewisham's Development Management Document, London Plan Policy 4.8, Draft London Plan Policy HC7,

as well as the National Planning Policy Framework which all seek to protect public houses.

Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Andrew Owen

INSPECTOR