



Appeal Decision

Site visit made on 12 July 2021

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2021

Appeal Ref: APP/B5480/W/21/3267953

Durham Arms, Brentwood Road, Romford RM1 2EH

- 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 Mehmet Demir against the decision of the Council of the London Borough of Havering.
 - The application Ref: P1331.20, dated 21 September 2020, was refused by notice dated 2 December 2020.
 - The development proposed is the change of use ground floor from drinking establishment (*sic*) (Sui Generis use class) to a supermarket (use Class E), and the erection of a single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the planning application form. I have been made aware that the Council made changes to the description when the application was validated. The changes do not alter the substance of the description. Accordingly, I have considered the appeal on this basis.
3. The Council's first reason for refusal includes reference to the National Planning Policy Framework (Framework). A revised version has been published since the Council's decision which supersedes the previous version. The main parties were given the opportunity to comment on this matter during the appeal and which I have considered in my decision.

Main Issues

4. The main issues are the effect of the proposal on (i) the significance of a non-designated heritage asset; and (ii) highway safety and the free flow of traffic.

Reasons

Non-Designated Heritage Asset

5. The appeal property comprises a public house building that dates from the late 19th century. It is mainly of a two storey construction with a single storey element to its side. It has a parapet roof and there is string course detailing. The exterior walls are in a grey finish, which does not appear to be original.

There is black paint detailing around the windows, and a black painted fascia. There are also some more modern soil pipes on its exterior in places.

6. Whilst the property is in some state of disrepair, the more recent external alterations are of a superficial nature and its Victorian tavern architecture remains largely intact and gives rise to the property's significance. It lies in a prominent corner plot location and this extenuates its distinctive and pleasing form. It has the qualities of a local landmark building. It has been placed on the Council's Heritage Asset Register Buildings of Local Heritage Interest and, as such, constitutes a non-designated heritage asset. This position is reaffirmed by the Council's Heritage Supplementary Planning Document (2011) (Heritage SPD).
7. The Framework puts the onus on the applicant to describe the significance of the heritage asset, in order to understand the potential impact of the proposal on its significance. The appellant has referred to the local listing, although this is little more than a basic description of its form and interest at the time it was put on the local list. The information that is before me on significance is therefore of a limited nature.
8. In terms of the proposed extension, it is not evident how it seeks to respect the architecture and features of the building with the elevational details that have been provided. The Design and Access Statement provides some explanation, but it is not apparent how this is based on an assessment of significance, especially as it seems to refer to the more modern aspects of the building. This is also not a matter which can be dealt with by way of a planning condition because the significance needs to be understood prior to such a scheme being derived and then considered. The decision-maker needs to be in receipt of this information prior to making a balanced judgement on heritage matters.
9. The appellant points to a lack of architectural or historic feature on the rear elevation where the proposed extension would be sited. Whilst the front and side elevations are more prominent, the rear is visible from Albert Road and part of its interest derives from that it forms a plainer elevation. I am not therefore convinced that its form and appearance can be so easily discounted.
10. There is similarly limited information before me on the internal changes. Whilst the local listing details do not refer to the inside of the building, as I have set out above, this provides a limited insight into understanding the significance. The local listing details simply represent a starting point. The level of detail should be proportionate to the assets' importance and no more than is sufficient under the Framework, but it needs to enable an understanding of the potential impact. This is lacking in this case.
11. The proposed use of the building itself would raise less concern in this regard because a local supermarket can have an element of social function and interaction because it is reliant on community usage. In other respects however, I am unable to come to a view other than that the proposal would have a detrimental impact and fail to make a positive contribution to local character and distinctiveness. The effect would not be neutral.
12. For the purposes of the Framework, the proposal would not therefore be putting the heritage asset to a viable use consistent with its conservation. The planning history of the site and that the building is vacant does not justify a scheme that would result in an adverse effect on the asset. Re-use of the

building depends on a scheme that sustains and enhances the significance of the asset and this does not favour the proposal.

13. Heritage matters in relation to how the Council dealt with the application are not for my consideration because the proposal is to be dealt with on its own merits. The Council itself raised London Plan (2021) heritage policies in its appeal statement, but these do not substantively add further to my deliberations on this issue. It remains the case that the policy framework provides strong protection for the historic environment.
14. I conclude that the proposal would have an unacceptable effect on the significance of a non-designated heritage asset. As a result, it would not comply with Policy DC67 of the Council's Core Strategy and Development Control Policies Development Plan Document (2008) (DPD) which concerns buildings of heritage interest. The policy states that when dealing with planning applications the Council will also take into account the contribution that other buildings of historical and/or architectural interest make to heritage. The proposal would also not comply with the Heritage SPD with the related protection it affords buildings of local historical and architectural interest.
15. In relation to a non-designated heritage asset, paragraph 203 of the Framework sets out that a balanced judgment is required having regard to the scale of any harm or loss and the significance of the heritage asset. Benefits would arise from bringing the building back into use, in particular with its prominent corner plot location and the current state. Set against this would be the considerable loss of the significance, in the absence of substantive evidence to the contrary. The benefits that would arise would not outweigh the scale of the harm. Hence, the proposal would not accord with paragraph 203.

Highway Safety

16. The site contains two vehicular access points which serve a hardstanding area on its Brentwood Road frontage. One of these access points lies between a zebra crossing and a mini-roundabout which also serves Albert Road and Park Lane. The other access point lies beyond the crossing. There are two further vehicular access points onto Albert Road itself. One of these also serves the front hardstanding area, whilst a second is set further back along this road.
17. Brentwood Road is a busy thoroughfare, whilst Albert Road is one way just beyond the site. On street parking is restricted by way of single yellow lines, a controlled parking zone and payable on-street parking. With the highways layout and the various access points, it is fair to say that there is a confined arrangement in relation to safety and the free flow of traffic.
18. The appellant's Transport Statement sets out the accident record in the area, including around the mini-roundabout. Whilst there is no indication that the accidents have been attributable to the appeal site, the record further indicates that the highway arrangement is not ideal. The appellant considers that responsibility lies with the Highway Authority. However, the potential effect of the proposal on the safe operation of the highway is a matter for my consideration.
19. The Transport Statement does not detail the proposal that is the subject of this appeal, as it concerns a former proposal to use the appeal property as a restaurant, as well as for increased residential purposes. It has a limited

bearing as regards the impacts of the proposal because it concerns a different development.

20. The appellant considers that there would not be a difference from the public house use with the number of vehicle movements, including servicing, and there would be no reason to expect an increase in movements. It is not though clear what evidence such a position is based on, in the absence of a transport statement or similar for the proposal itself. The details of the servicing and loading arrangements for the proposal are also limited.
21. With the limited information before me concerning the predicted traffic generation and the requirement for parking and servicing arrangements that would arise from the proposal, I am unable to come to the view that the proposal would not have an adverse impact upon the functioning of the road network. With the number of the access points that are located in proximity to the mini-roundabout and pedestrian crossing, drivers using the proposal would have to anticipate other road users utilising the roundabout, as well as pedestrians using the crossing. Hence, there is not sufficient assurance that the arrangements as shown on the proposed block plan would be satisfactory in relation to the safe operation of the highway.
22. I am less persuaded there would be a particular parking conflict with residents because of the established nature of the restricted parking in the area. Nevertheless, this does not overcome the other matters of highway safety concern and it may in itself place greater pressure on proposed parking within the site, even if local standards are met. The same applies as regards public transport accessibility because the proposed parking shows that there would be some expectation of car borne trips.
23. I conclude that the proposal would have an unacceptable effect on highway safety and the free flow of traffic. As a result, it would not comply with Policies DC32, DC34 and DC36 of the DPD where they state that new development which has an adverse impact on the functioning of the road hierarchy will not be allowed, development will be required to take account of the needs of pedestrians and that planning permission for such a development will only be granted where adequate servicing arrangements are provided, amidst other considerations.

Other Matters

24. I have already described the benefits of the proposal earlier in my decision. Clearly, the building would benefit from being brought back into use and for its state of disrepair to be addressed. However, this needs to be achieved in a way that is not unacceptable in planning terms and details of the proposal are lacking as regards heritage and highway safety in order for it to be looked on favourably.
25. In terms of compliance with the Framework, the proposal would materially detrimentally affect the interests of acknowledged importance by way of the conflict with paragraph 203 and a non-designated heritage asset. That other matters in the Framework are not in dispute under the reasons for refusal does not change this conflict with national policy.

26. The appellant has also raised financial issues, but these are more of a personal matter. In relation to the effects of the Covid-19 pandemic and public house restrictions, these have now eased and so do not change my conclusion.
27. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Conclusion

28. I have considered all matters that have been raised, but the benefits that would arise would not outweigh the harm to the non-designated heritage asset and in highway safety terms. For these reasons, the proposal conflicts with the development plan as a whole and there are no material considerations to outweigh this conflict. Accordingly, I conclude that the appeal should be dismissed.

Darren Hendley

INSPECTOR