
Appeal Decision

Site visit made on 2 August 2021

by Tim Wood BA(Hons) BTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 23 August 2021

Appeal Ref: APP/G5180/W/21/3268676

Wheatsheaf Public House, 135 High Street, West Wickham BR4 0LU

- 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 C Bradford, Greene King Pub Partners against the decision of the Council of the London Borough of Bromley.
 - The application Ref DC/20/03808/FULL1, dated 12 October 2020, was refused by notice dated 21 January 2021.
 - The development proposed is the erection of a timber pergola in the forecourt area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the use of the proposal would be likely to generate an unacceptable level of noise and disturbance.

Reasons

3. The appeal relates to this public house which is situated within the High Street District Centre, as defined by the Council. The defined centre runs in a linear fashion along the length of the High Street. Whilst its designation reflects the predominantly retail/commercial nature of the area, the centre contains numerous residential properties.
4. The Wheatsheaf public house is set back from the High Street behind its own forecourt area, with the neighbouring buildings enclosing its sides. The public house is an attractive building and the submissions indicate that it is locally listed. The forecourt contains a number of tables and benches and clearly is used by customers of the public house. Photographs available and submitted with the appeal shows a variety of umbrellas, large and small, have been used to protect customers, as well as some showing no umbrellas.
5. The proposal would be to erect a wooden framed pergola with a polycarbonate roof (the sides would not be enclosed) measuring around 5.8m by 9.1m and 2.5m high. Within the appeal submissions the appellant has offered to move the proposal to one side, if deemed necessary but I am aware that this has not been the subject of any formal consultation and so I will consider the scheme as it was determined by the Council.
6. The appellant refers to the existing use of the forecourt by customers and that they often do so with the protection of umbrellas. Within the appeal

statements the appellant then suggests that the proposed pergola would not alter customers' use of the forecourt but would offer a more aesthetically pleasing form of shelter. However, within the Design and Access Statement, the appellant's submissions state that the proposal is required in order to *"...provide an area suitable for more inclement weather."* This indicates to me that the motivation for the proposal is, at least in part, due to a need to provide a greater degree of protection for customers than can be provided by existing means. In my judgement, the result would be that, if the proposal were to go ahead, customers would be attracted to use the forecourt area when they currently would not. Thus, I consider that the proposal would be likely to result in greater use of the forecourt by customers than would currently be the case.

7. Whilst the hours of use of the existing public house do not appear to be controlled by any planning restrictions, the licence regime restricts trading hours to 09:00 to 23:00, Mondays to Thursdays; to 00:00 on Fridays and Saturdays and 23:30 on Sundays. An additional 30 minutes is given at the end of the day for drinking-up/dispersal.
8. There are residential properties immediately adjacent to the appeal site and some on the opposite side of High Street. Some of those adjacent to the appeal site have windows within the elevation that abuts the appeal site. Whilst I appreciate that premises within a centre may be expected to generate a degree of activity, there is an important balance to be struck with the legitimate expectations of residents who live there. I understand that the public house has been in existence for some time, and prior to the construction of the adjacent flats. However, I consider that the appeal scheme would bring about a different pattern of use by customers which needs consideration within this appeal. Taking account of the proximity of residential neighbours and the times at which the forecourt area is likely to be used, I consider that the additional use which would be likely to arise from the proposal would result in increased levels of noise and activity, which would have an unacceptable effect on the living conditions of residential neighbours.
9. Reference is made by the appellant to the difficulty in the collection of meaningful noise measurements within the pandemic, and I can appreciate this. They also refer to the noise attenuation from the pergola and have included a table within the statement. There is no indication of where the table is taken from; there is no indication of the likely effects within the specific design and situation of the appeal scheme; and there is no submitted data for noise attenuation of the large umbrellas referred to by the appellant. Therefore, I can place no reliance on the submissions in this respect.
10. The appellant also indicates that planning conditions could require trading hours to be restricted and for signs to ask customers to respect local residents. However, the suggested hours referred to by the appellant appear to be the same as the existing licence. With respect to signs, whilst these may be well-intentioned, I consider that they would be insufficient to reduce the likely levels of noise and disturbance. The appellant has also made reference to a decision in relation to "The Potting Shed" in "Bingley" but I have no details of this decision or its circumstances and so can make little use of the submitted information.

Conclusion

11. The proposal would be likely to offer better protection for customers in inclement weather than the existing provisions on site. This would mean that there would be a greater likelihood that customers would use the forecourt and give rise to noise and disturbance that would unacceptably affect neighbouring residents. I have taken all other matters into account but find nothing sufficient to outweigh the harm that I have identified. Therefore, the proposal is contrary to Policy 119 of the Bromley Local Plan. As a consequence, the appeal is dismissed.

S T Wood

INSPECTOR