



Appeal Decision

Site Visit made on 20 October 2021

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 November 2021

Appeal Ref: APP/A5840/W/21/3273554

The Albion, 20 Albion Street, London SE16 7JQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr George Macari of The Albion Pub Co. Ltd against the decision of London Borough of Southwark.
 - The application Ref 20/AP/3339, dated 13 November 2020, was refused by notice dated 23 February 2021.
 - The development proposed is described as "To extend existing planning permission 19/AP/116 to create an additional 2 bed self contained residential unit on the roof".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the submission of the appellant's appeal the revised National Planning Policy Framework (the Framework) was published and came into force on 20 July 2021. In light of this I have sought the views of the main parties in writing and comments received have been taken into consideration.
3. Outline planning permission is sought with appearance and landscape matters reserved for future consideration and matters relating to access, layout and scale sought for approval. I have determined the appeal on this basis.
4. Planning permission¹ was granted at the appeal site for demolition of existing public house (Use Class A4) and construction of new, four storey plus basement mixed-used building comprising basement and ground floor drinking establishment (Use Class A4) with 8 residential units (x4 studio flats, x3 one bedroom flats and x1 two bedroom flat) (Use Class C3) on first, second and third floor levels with balcony amenity spaces and associated cycle and refuse storage. The proposal subject of this appeal would effectively extend this approved scheme by creating additional residential accommodation on the roof.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the setting, character or appearance of nearby listed buildings and the surrounding area.

Reasons

6. The appeal site is a public house located on the corner of Albion Street and Neptune Street. The area within the immediate vicinity of the appeal site is characterised by two and three storey buildings along Albion Street. The building of St. Olav's Church is located opposite the appeal site and is a grade II listed building.

¹ Local Planning Authority Reference: 19/AP/1116

7. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. Moreover, paragraph 199 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
8. The grade II listed church was built around 1927 and credited to John L Seaton Dahl. The listing describes the church as being red brick with stone dressings and pantiled roof, 18th Century domestic style with Scandinavian spire to tower above entrance. This listed building has both historical and architectural significance within the area.
9. The proposal would be a large structure that would sit uncomfortably within the existing street scene of Albion Street which consists of predominantly two and three storey properties. Due to the proposals height and scale, it would appear as a dominating feature that would detract from the existing built form in the immediate area.
10. The appeal site occupies a corner plot and there are taller buildings situated on Neptune Street. These taller buildings are set further back and do not have a direct relationship with Albion Street, whereas the proposal would be a prominent feature that would be highly visible from Albion Street.
11. Given the appeal site is directly opposite the grade II listed building, the massing and height of the proposal would appear overpowering and disruptive to the views of the listed building. The proposal would be an incongruous structure and being in so close proximity to the listed building would have a harmful effect on the appearance and setting of this building.
12. Accordingly, I find that the proposal would not preserve or enhance the setting, character and appearance of nearby listed buildings and the surrounding area. The proposal would be in conflict with Policy 12 of the Southwark Council Core Strategy 2011 (CS) and Policies 3.2, 3.12, 3.13, 3.15, 3.17 and 3.18 of the Southwark Plan 2007 (SP) which seeks development to be of high quality design and conserve or enhance the significance of Southwark's heritage assets, their settings and wider historic environment.
13. The proposal would be harmful to the character and appearance of the surrounding area and the setting of the adjacent listed building, and thereby the significance of the heritage assets. I have also had regard to judgement *R (James Hall) v City of Bradford MDC [2019] EWHC 2899 (Admin)*. Nevertheless, I consider the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.
14. The proposal would contribute towards providing new homes on previously developed land in an area with a PTAL rating of 6a. The appeal site is located within close proximity to shops, services and facilities, and also sits within the Canada Water Area Action Plan (AAP). This area is identified in the AAP and the London Plan 2021 (LP) as a regeneration area and an Opportunity Area for new homes.

15. The proposed development would therefore have some public benefits which I would attribute moderate weight to. These public benefits however, would not outweigh the substantial harm to the surrounding area and the adjacent listed building which I have identified above.
16. The proposal would, therefore, fail to sustain or enhance the setting, and thereby the significance of, the designated heritage assets. It would not accord with the policies of the Framework which seek to conserve and enhance the historic environment.
17. I have had regard to the appellants statement of cases including two site specific allocations identified as NSP76: St Olav's Business Park and CWAAP4 Albion Primary School. Insufficient information has been provided with regards to the schemes on these allocated sites and I cannot be sure that they represent a direct parallel with the appeal scheme particularly with regards to location and proximity to heritage assets. In any case, I have determined this appeal on its own merits.
18. My attention has also been brought to a key development site at the former Rotherhithe Library and Civic Centre. From the evidence before me, I do not consider the proposal on this site is comparable to the appeal scheme. The appeal site is closer in proximity to the adjacent listed building than the Rotherhithe Library and Civic Centre site, and with being directly opposite, the appeal proposal would have a significant overbearing adverse effect on the heritage asset.
19. The appellant considers that the proposal would not prejudice the key proposals in the AAP policies as well as policies in the LP, the Proposed Changes to the Submitted Draft New Southwark Plan (August 2020) and the Historic Environment Good Practice Advice in Planning: 3 (2nd Edition) Published 22 December 2017. These however do not alter my findings above and the conflict identified with the statutory development plan policies of the CS and SP.
20. There are a number of issues which are not in dispute between the parties including land use, light, quality of accommodation, living conditions of neighbouring occupiers, transport and sustainable design. These matters do not alter my findings above.

Conclusion

21. The proposal would bring some public benefits in terms of contributing towards new homes as well as development on previously developed land in a suitable location. However, these benefits and the matters described above would not outweigh the significant harm I have identified with regards to the effect on the surrounding area and nearby heritage assets.
22. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
23. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR