



Appeal Decisions

Hearing Held on 26 April 2022

Site visits made on 25 and 26 April 2022

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 8 August 2022

Appeal A Ref: APP/L5240/W/21/3274910

House of Reeves, 114-120 Church Street, Croydon CR0 7RF

- 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 Kevin Clark, Skillcrown Homes Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01536/FUL, dated 13 November 2019, was refused by notice dated 13 November 2020.
 - The development proposed is the removal of non-original shopfront to No 120 Church Street, and the conversion of the building back into residential use, partial demolition, alteration and extension of the other buildings to provide 124 SqM of commercial floor space & 32 self-contained flats, the erection of a second floor roof extension and other extensions of 3-5 storeys.
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Appeal B Ref: APP/L5240/W/21/3274909

House of Reeves, 114-120 Church Street, Croydon CR0 7RF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Kevin Clark, Skillcrown Homes Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 19/01537/LBC, dated 13 November 2019, was refused by notice dated 13 November 2020.
 - The works proposed are the removal of non-original shopfront to No 120 Church Street, and the conversion of the building back into residential use, partial demolition, alteration and extension of the other buildings to provide 124 SqM of commercial floor space & 32 self-contained flats, the erection of a second floor roof extension and other extensions of 3-5 storeys.
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Decisions

1. Appeals A and B are dismissed.

Preliminary Matters

2. As set out above there are two appeals which relate to the same proposal and site but considered under different, complementary legislation. I have considered each on its own merits although to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
3. I undertook a site visit before the hearing opened accompanied by representatives of the appellant and the Council. This was to enable me to view the interior of the listed building and other buildings on the site to assist my understanding of the site and to better inform the examination of evidence at

the Hearing. I also carried out an unaccompanied inspection of the wider area following this.

4. The Hearing was adjourned at the venue and then resumed, and closed, on site. This was to enable the hearing discussion to continue with the advantage of viewing the site and its surroundings at the same time. This was followed by a conventional accompanied site visit of the interior of the listed building.
5. The Council's second reason for refusing planning permission related to the absence of a planning obligation to secure mitigation and other matters. The Council no longer intend to defend this reason in light of a planning obligation which would address these matters, and this is reflected in the main issues.
6. Since the decisions were made the London Plan 2021 (London Plan) has been published and forms part of the development plan, superseding those policies from its predecessor cited in the reasons for refusal. I have determined the appeals accordingly.

Main Issues

7. The main issue raised by Appeal A is the effect the development would have on the character and appearance of the area with particular regard to the significance of designated and non-designated heritage assets.
8. The main issue raised by Appeal B is whether or not the works would preserve the grade II listed building at 120 Church Street or its setting or any features of special architectural and historic interest which it possesses.

Reasons

Significance of heritage assets

9. No 120 occupies part of the site frontage. It is a three and a half storey early C18 house with a old tiled roof and dormers. The list entry records the building's conversion to commercial use, the modern shop-front and some altered upper windows along with its rendered exterior with modern quoining. However, even with the large shopfront at ground level the upper storeys of the building maintain an historic appearance and detailing and it derives significance from its age, traditional construction and materials, and historic appearance.
10. This significance has been compromised by alterations including the building's incorporation at ground floor within the expansive showroom whose sales floor extends over the whole site to the side and rear. This is to the extent that only one flank wall remains at this level with boxed in columns supporting the upper floors such that there is almost no historic fabric at ground floor level, an arrangement that detracts from its significance. Inside, the building has also suffered damage from water ingress and general dilapidation and neglect on upper floors. Nevertheless, the interior on the upper floors contributes to its special interest through its plan form and layout, historic materials and the older joinery that remains in places.
11. To the rear upper floors are visible above the decidedly workaday and haphazard showroom buildings which detract from its character. However, to the front, its significance is enhanced by its setting within an historic street frontage which includes on one side the locally listed buildings also

incorporated within the showroom complex and on the other the grade II listed Elis David Almshouse which it abuts. The Almshouse consists of two later C19 ranges set perpendicular to the street creating a partly enclosed and relatively tranquil courtyard between. Its pitched roofs with tall chimney stacks on both ranges help define this space and are also notable from the street. These features contribute to its significance along with the buildings' history, former use, materials and architecture.

12. The locally listed 114-118 Church Street present commercial frontages with well proportioned first floors above forming an attractive corner to the site facing onto Reeves Corner and Church Street. Their architecture as two distinct buildings and contribution to the streetscape add to their significance as non-designated heritage assets.
13. Farther along Church Street to the south west is the varied range of designated and non-designated heritage assets, including the grade II listed Rose and Crown Public House. Their significance derives in part from their architecture, materials and commercial frontages in various stages of change as part of the historic street frontage.
14. These buildings and the appeal site sit within the setting of the outstanding grade I listed Church of St John the Baptist, Croydon Minster. It has considerable architectural, archaeological, historic and artistic interest, as well as being of great importance to the community. This is a designated heritage asset of the highest significance. Parts of the present building date from C15 but with rebuilding by the notable architect Sir George Gilbert Scott in the mid C19 after a fire. It has many architectural features inside and out including the distinctive crenellated nave with clerestory.
15. Its tower can be seen from a number of vantage points and in unfolding views from its surroundings and the town centre. It also derives significance from its setting both nearby from the gardens and church yard on either side and from being set within a historic townscape of much lower buildings which enable its architecture to be appreciated.
16. To varying degrees these heritage assets share an interrelated, overlapping and interdependent significance where both the structures and their settings also contribute to significance of one another and are located within the Croydon Minster Conservation Area (CMCA). As well as the principal, dominant building after which it is named the historic streets which surround the Minster contain buildings of architectural and artistic character and a more intimate townscape of historic and aesthetic note whose lower buildings, typically of two to three storeys, complement the Minster.
17. This includes the nearby grade II listed Gothic Villas¹ whose significance is derived largely from its attractive architecture, with more limited significance coming from its setting. Immediately abutting the CMCA along Church Road is the Church Street Conservation Area (CSCA) whose townscape supports and bolsters the significance of CMCA. Both assets draw from each other and have a shared setting which mutually contributes to the significance of each.

¹ Listed as Nos 2-8 (even) Church Road, with boundary wall, entry arches and piers.

Effects on significance - Minster

18. The proposal would include a five storey block of flats with a staggered footprint on the rear part of the site which would adjoin the retained and extended Nos 114-118 on one side. On the other side a row of three storey town houses would link to the retained No 120 and form an internal courtyard with an open access to the street where the current showroom entrance lies.
19. The Minster's significance as an historic building and local landmark is recognised by its being a Locally Designated Landmark at the end of a series of Locally Designated Views set out in the Croydon Local Plan 2018 (Local Plan) and Significant Views set out in the CMCA Appraisal and Management Plan SPD² (Management Plan). The Locally Designated View from Roman Way to the north of the Minster, reveals a view of the Minster above the appeal site. The view point is from the elevated part of the multi-lane flyover. This view is most likely to be experienced fleetingly by motorists and cyclists traveling south along the flyover and it is not a particularly attractive walking route. Nevertheless, it is recognised in the Local Plan's policies.
20. Importantly, it is one of the very few places where the composition of the upper part of the nave, clerestory and crenellations of the Minster can be seen together with the tower from the north. At much closer quarters these features can be appreciated but looking up at an angle from the ground and a quite different perspective. Unlike the tower which appears in views from surrounding streets, seeing the top of the nave and clerestory with its crenellations together with the tower is an unusual view largely due to intervening historic buildings, streets and trees elsewhere which means an elevated vantage point is necessary to appreciate it.
21. The proposed block of flats would interrupt and block this view. Unlike some intervening trees which partly break up the view when in leaf the development's effect would be at all times and permanent. Although the floor plan of the upper part of the flats is canted slightly away from the rear this would do very little in terms of the view of the north side of the Minster whose nave would be largely obscured from vantage points on Roman Way.
22. Although the view of the Minster Tower would not be obscured in the Management Plan Significant View No 2 from the junction of Church Street and Drummond Road, the height of the flats would encroach on the present lower and respectful townscape setting and context of the Minster from this prospect.
23. It is of note that Historic England considered that the development would be likely to cause harm to the significance of the Minster and the CMCA. As the government's statutory adviser on the historic environment, these views are a consideration of particular importance.
24. The harm to the Minster's significance as a listed building would be modest, however the harm by way of obscuring a Local Designated View of a Local Designated Landmark would be considerably more harmful to the character and appearance of the area. The development would conflict with Local Plan Policies SP4 and DM17 which together and amongst other criteria require development to protect Local Designated Views and the setting of Local Designated Landmarks without obstructing views of them.

² Croydon Minster Conservation Area Appraisal and Management Plan Supplementary Planning Document, 2014.

25. Although the supporting and London Plan Policy HC3 encourages identifying local views in Local Plans and protecting and managing them in a similar manner to London Plan Policy HC4, there would not be conflict with those policies themselves in this respect, focussing as they do on Strategic Views. That does not reduce the harm from conflict with the Local Plan however.

Effects on significance – Conservation Areas and other heritage assets

26. Nos 120 and 114-118 sit at the street edge and, along with buildings to the south west, form part of the varied Church Street frontage. Even though well set back from that frontage, the five storey flat block at the rear of the site would markedly rise above those existing buildings becoming a dominant feature and upset the present configuration of the dominant frontage being along Church Street. This effect would be particularly marked when seen along Church Road from the south east where views of the site are noticeable and the existing historic buildings partly terminate the vista from some way. A similar influence would be perceived from the northern part of Church Street and the ends of Tamworth and Drummond Roads where the uncharacteristic taller element at the edge of the CMCA would be harmfully intrusive.
27. This would have the effect of harming the setting of No 120 and in particular harming the character and appearance of the CMCA. As it occupies the other side of Church Road, it would erode the significance that the CSCA gets from this part of its setting. Given the particular special interest of the Gothic Villas, the significance of that building would not be harmed in the same way.
28. The non-designated No 114-118 would be extensively altered at the rear but given that much of their significance comes from the front and sides this would largely be preserved through their conversion. However, the roof extension to the north east range would appear rather incongruous due to its basic and inelegant shape and form even though it would be set back behind the parapet. Some significance would be lost through the overbearing effect of the taller part of the development which would harmfully change their appearance from being the principal frontages in the streetscape to the foreground of a more massive and larger scale context behind.
29. The scale, massing and footprint of the flats would form a structure which would run counter to the characteristic historic fine grain of buildings in the vicinity. Whilst the proposed townhouses and courtyard arrangement would restore this to a degree on the front part of the site, the flats would perpetuate the harmful expanse of the current arrangement which is at odds with the CMCA's character, with the additional harm of its height and mass.
30. Considerably taller buildings visible from the site are not within the Conservation Areas. Their height is an obvious feature in the wider townscape, but they do not create a setting or context which would make the proposal, considered in the character and appearance of the CMCA, any less harmful.
31. Closer to, and looking north east along Church Street, the taller part of the development would not be seen due to its set back position, thus avoiding a materially harmful effect on the significance of the Rose and Crown Public House or adjacent locally listed buildings as individual heritage assets.

Effects on significance - Almshouse

32. From within the courtyard space between the two ranges of the Elis Davies Almshouse the upper parts of the flats would appear as an intrusive and overbearing element above the currently unencumbered skyline above the roof of the north range. This effect would be noticeable from outside the Almshouse complex from parts of Church Street as well. That some of the chimneys on this range are plainer than those on the south range would do very little to reduce the harm this would cause.
33. Although the new development would not be visible from every part of the courtyard the intrusion where it would be seen would be significant. Although the elevated part of Roman Way can be glimpsed through trees between the two ranges, that unsympathetic feature has not eroded the significance of the listed building to any degree that would reduce the extent of intrusion of the proposed development. The removal of the projecting shopfront at No 120 would change the setting of the Almshouse but do very little to better reveal its significance and in effect have a preserving, neutral effect.

Effects on significance – No 120

34. The scale, configuration and detailing of the proposed townhouses which would adjoin No 120 at the rear would be sensitive to, and respect the height of, the listed building and therefore preserve its significance. Similarly, the treatment of the locally listed range and the formation of a courtyard space to the rear would also largely avoid harming the significance of No 120 (even if not that of the non-designated heritage asset itself). However, the effect of the height, scale and massing of the five storey block of flats would be somewhat overpowering at the rear of No 120 although, unlike its effect on No 120 as part of the historic streetscape when seen from beyond the site, this harm to the listed building would be moderate.
35. The proposed courtyard arrangement to the rear would also enable the revealing and appreciation of the rear of the building. Apart from the south west flank, virtually no early historic fabric appears to remain at ground floor with no other elevations as the building is open as part of the shopfront which extends over the whole site. The projecting shopfront has been altered and whilst of some limited interest in its appearance is not an early or original feature albeit that more interesting shopfront fenestration details exist in the link part of the shopfront. However, overall the loss of any features of historic interest and the community interest of the significant chapter of the building's commercial life would be effectively compensated for by a sympathetic treatment restoring the building to a townhouse configuration.
36. At the Hearing the Council's position on harmful effects of horizontal subdivision to create two apartments softened and they clarified that their objection to the proposed rear dormer was one of fenestration rather than the principle of the feature, a detail that could reasonably be addressed by way of a condition.
37. The proposed conversion would have the potential to bring the upper floors of No 120 into a sustainable use and repair damage. Whilst the conversion would involve some loss of internal partitions and subdivide principal rooms to create corridors, overall this level of change would be limited. The detailing of these aspects could ensure that there is a degree of reversibility and an understanding of the former configuration but that could reasonably be left to

conditions. I am not convinced that the level of research and survey of the building is so limited as to risk its significance being greatly undermined provided that conditions would ensure that the detailed design of alterations would be properly informed. Similarly, given their likely extent and the scope for recording, and understanding, of remaining historic features, the means of adjoining the adjacent Almshouse could also reasonably be controlled by way of conditions.

38. The detailed understanding of fenestration to ensure features of interest would be retained whilst more recent joinery is replaced with that with more fitting sections could be approved at condition stage. Overall, the significance of the listed building would be preserved, and to a degree enhanced, through removal of less sympathetic elements, primarily the showrooms to the rear, and its reinstatement as a dwelling which could help ensure it remains in good order.

Effects on significance – statutory, policy and guidance considerations

39. I have had special regard to the desirability of preserving the listed buildings or their settings or any features of special interest they possess, as well as paying special attention to the desirability of preserving or enhancing the character and appearance of the CMCA. In so doing, and taking into consideration those aspects of the development and works which would help to preserve No 120, I have found that the development would not preserve the setting of No 120, the Minster or Almshouse, nor would it preserve or enhance the CMCA, contrary to the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). Furthermore it would harm the significance that the CSCA derives from its setting.
40. The principle of redevelopment of the site is not in dispute between the main parties nor Historic England and there would be regeneration benefits through the investment in this part of the town. As such it would accord with development plan policies which seek to enhance town centres with a diverse range of uses, redevelop brownfield land including small sites and increase the supply of homes. Nevertheless, the harm to designated and non-designated assets and to the character and appearance of the area would be contrary to Local Plan Policies SP4, DM17 and DM18 and London Plan Policy HC1. Together, and amongst other criteria, they seek to conserve heritage assets' significance and protect views and landmarks. Given the importance these matters carry the development, and in so far it is relevant the works, would conflict with the development plan overall.
41. The development would not accord with the development guidelines of the Management Plan which, amongst other provisions, requires proposed development to respect the height, scale and massing of nearby buildings as well as preserving or enhancing the settings of nearby listed and locally listed buildings.
42. The adopted Croydon Opportunity Planning Framework, 2013 anticipates buildings of up to five storeys in historic and infill sites, and in its 'outer area' which includes the appeal site. However, it also makes it clear that site specific circumstances will have an important role to play in determining exact heights of buildings and points out that new development should respect and enhance heritage assets.

43. The Old Town Masterplan SPD³ does not make specific provision for the site, focusing on redevelopment of the currently vacant site opposite. However, it is of note that its appraisal of existing building heights shows the CMCA to be predominately in the 3-4 storey range around the Minster. Whilst the principle of the development would contribute towards the aims and aspirations of the Masterplan and Planning Framework, neither provide any support for the detailed configuration of the taller part of the proposal.

Heritage and planning balance

44. There would be harm to the significance of No 120, the Minster, the Almshouse and both Conservation Areas. However, this harm to the significance of designated heritage assets would be less than substantial, circumstances which the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal. This classification of the harm does not mean that the level of harm itself is diminished.

45. The harm carries significant importance and weight, and the Framework identifies that great weight should be given to designated assets' conservation, the weight increasing the more important the asset. Therefore, although the harm to the Minster's significance would be modest this carries great weight, increased as a result of its grade I importance. The harm to the significance of the Almshouse and No 120 would be moderate. The harm to the significance of the CMCA overall would be greater in extent and would be significant. But this harm would nevertheless also carry considerable importance and weight.

46. The provision of 32 new homes would be a public benefit in light of the Government's objective of significantly boosting the supply of homes and in meeting local needs with a variety of unit sizes. So too would the principle of using previously developed land in an efficient manner. There would be economic benefits during construction and longer term ones through future occupiers' spending, a proportion of which would no doubt support the town centre. The investment in the site would make a contribution to the Council's regeneration strategies and help to demonstrate confidence in a part of the town that has seen damage from civil disturbance in the past which adds some weight to the proposal. However, bearing in mind the scale of the development these public benefits would be moderate.

47. The elements of the works and development that would conserve No 120 itself would also carry great weight in line with the Framework. If the current situation continues the building is likely to remain at risk of further slow deterioration but its condition would appear to be largely as a result of timely repairs not being carried out. Although there is no suggestion of deliberate neglect or damage, this somewhat reduces the weight that the building's repair and new use carry. The building's condition, whilst in pressing need to be addressed to preserve it in the long term, does not in this case make a convincing overriding justification for otherwise harmful development.

48. The appellants had agreed to limit their profit margin on the development and confirmed at the Hearing that the taller flat element was necessary to make the development, including the works to No 120, viable. I am conscious that the appellant's viability evidence was essentially evaluating whether or not affordable housing could be supported, and they are not advancing an 'enabling

³ The Old Town Masterplan Supplementary Planning Document, 2014.

development' argument, nor the evidence to support it, in the terms of paragraph 208 of the Framework. Nevertheless, as things stand without the proposed development there is no alternative currently proposed which would help to secure the conservation of No 120. This therefore weighs in favour of the development.

49. The provisions of the planning obligation would largely mitigate the development's effects although the local employment clause would have some social and economic benefits as well, albeit this would be relatively limited given the scale of the proposed development.
50. Bearing in mind the advice in the Planning Practice Guidance⁴, and despite the appellant's comments about the state of local finances, I am not convinced in this case that any New Homes Bonus arising from the development would be a benefit weighing in support of the proposal. Any Community Infrastructure Levy payments would go towards infrastructure that can help mitigate the effects of new development and therefore would be of neutral effect. Council Tax revenues would go towards services used by future occupiers and similarly not be a net benefit.
51. The commercial floorspace would provide some employment space and help maintain an active frontage and vitality in the town centre but given the existing commercial use of the site would in effect be a neutral consideration.
52. The benefits to heritage assets and the general character and appearance of the area of removing the unsightly showroom buildings on the site would be effectively annulled by way of the harmful effects of the taller building that would partly replace them.
53. Together the public benefits of the development would be notable but overall moderate. Nevertheless, as the harm to designated heritage assets' significance including that pointed out by Historic England, particularly that of the CMCA, and the consequent conflict with the development plan and the Act, carries considerable importance and weight, and it would outweigh those public benefits.
54. Taking a balanced judgement on the non-designated Nos 114-118, the harm to whose significance would be modest, also weighs against the proposal as does the harm to the character and appearance of the area more generally, including views of the Minster as a local landmark. Therefore, even with those aspects in favour of the scheme, all things being considered those considerations would not be sufficient to outweigh the harm that would be caused.

Other Matter

55. I have considered whether the otherwise acceptable (with conditions) works to No 120 could be clearly separated from that of the new build elements. However, the building would not be a standalone structure connected as it would be to the new rear entrance, itself an integral part of the building that would contain the town houses. As the works would not be clearly separable it would not be possible for me to issue 'split' decision nor is it within my remit to change the description or scope of works which have been applied for.

⁴ When should a 'local finance consideration,' be taken into account as a material planning consideration?
Paragraph: 011, Reference ID: 21b-011-20140612.

Conclusions

56. Whilst there would be some beneficial aspects, considered overall the development would conflict with the development plan taken as a whole, the Act and the Framework, and other material considerations do not amount to a convincing reason not to determine the appeal in accordance with the development plan. Appeal A is therefore dismissed.
57. The works to No 120 itself have the potential to preserve the building subject to conditions, but for the above reasons the overall newbuild elements would harm and fail to preserve the setting of the listed building, contrary to the Act, the Framework and, so far as it is relevant, the development plan. Material considerations would not outweigh that harm and Appeal B is therefore dismissed.

Geoff Underwood

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr Mark Batchelor	Planning Director, Boyer
Miss Alice Moore	Senior Planner, Boyer
Mr Alex Wythe	Partner, Alan Camp Architects
Dr Johnathan Edis	Director, HCUK Group
Mr Kevin Clark	Land Director, Skillcrown Homes Ltd

FOR THE LOCAL PLANNING AUTHORITY:

Mr Robert Buckley	Conservation Officer, Croydon Council
Miss Victoria Bates	Senior Planning Officer, Croydon Council
Mr James White	Deputy Team Leader – North, Croydon Council

INTERESTED PERSONS:

Mr Trevor Reeves	House of Reeves
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PLANS AND DOCUMENTS SUBMITTED AT THE HEARING

1. Signed copy of Statement of Common Ground.
2. A3 drawing pack.

DOCUMENTS PROVIDED FOLLOWING THE HEARING

3. Completed Planning Obligation.
4. Extract from Croydon Local Plan, 2018 Policies Map, Croydon Opportunity Area Inset Sheet showing Local Designated Views.
5. E-mail correspondence between Council and appellant addressing London Plan Policies and suggested SuDS condition, 27 April 2022.