



Appeal Decision

Site visit made on 29 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 January 2023

Appeal Ref: APP/N5660/W/22/3301378

49-51 The Jolly Gardeners, Black Prince Road, London SE11 6AB

- 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 The Jolly Gardeners (Lambeth) Ltd against the decision of the Council of the London Borough of Lambeth.
 - The application Ref 22/00508/FUL, dated 11 February 2022, was refused by notice dated 22 April 2022.
 - The development proposed is a second-floor rear extension to the hotel.
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Decision

1. The appeal is allowed and planning permission is granted for a second-floor rear extension to the hotel at 49-51 The Jolly Gardeners, Black Prince Road, London SE11 6AB in accordance with the terms of the application, Ref 22/00508/FUL, dated 11 February 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 9427_JTS_01 00, 049-112-PR, 049-114-PR, 049-201-PR, 049-301-PR, 049-302-PR, 049-303-PR, 049-304-PR, 049-530, 049-531, 049-545 and 049-546.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) The extension hereby permitted shall not be occupied until a scheme, which demonstrates that the approved accommodation meets the relevant quality standards so that it may be accredited by Visit England's National Quality Assessment Scheme, has been submitted to and approved in writing by the local planning authority. Thereafter, the accommodation shall be maintained in accordance with the approved scheme.
 - 5) The flat roof of the extension hereby permitted shall not be used as a roof terrace or sitting out area.
 - 6) The extension hereby permitted shall not be occupied until the windows proposed within it are obscure glazed up to a height of no less than 1.7m above the floor of the room in which they are installed, and no part of the windows that are less than 1.7 metres above the floor of the room in which they are installed shall be capable of being opened. The glazing to be obscured shall be obscured to at least level 3 of the Pilkington glass privacy

scale (or equivalent). Once installed as such the windows shall thereafter be retained.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording from that provided on the planning application form has been entered. Neither of the main parties have provided written confirmation that a revised description of development has been agreed. Accordingly, in the banner heading and decision above, I have used the one given on the original application form which I consider accurately describes the development proposed, albeit I have omitted a superfluous reference to the application being for full planning permission.

Main Issues

3. The main issues are the effect of the proposal upon the significance of the host building, a non-designated heritage asset, and whether it would preserve or enhance the character or appearance of the Albert Embankment Conservation Area.

Reasons

4. The appeal site is located within the Albert Embankment Conservation Area (CA). The CA encompasses sections of the River Thames and land closely beside it. The CA includes infrastructure such as sections of Westminster, Lambeth and Vauxhall bridges together with a viaduct. Within the vicinity of the site, I particularly noted the landmark building of China Works/Southbank House and a number of traditional public house buildings, the host property being an example. Brick is the predominant building material within the area, particularly amongst the more traditional buildings. I find that the presence of this transport infrastructure, workshop buildings and public houses contributes significantly to the significance of the CA, providing evidence of the industrial heritage of the area and the development of important infrastructure. The widespread use of brick, and the architectural and artistic interest of buildings within the area, demonstrated through the incorporation of ornate and decorative detailing, further contributes to the character and appearance of the CA and its significance.
5. The Jolly Gardeners is a 4 storey property occupied partly as a public house and partly as a hotel and is included as an asset on the Council's Local Heritage List. The top floor incorporates a mansard type roof. The rear of the property steps down from the top floor. The building is predominately constructed of brick. The side and front elevations exhibit ornate and traditional architectural detailing including through banded and decorated brickwork, decorated window arches, the ground floor public house frontage and a feature first floor plaque. As a non-designated heritage asset, its significance lies in its architectural and historic interest. As a traditional brick-built public house building with ornate architectural detailing, the Jolly Gardeners is very reflective of the character and appearance of the CA and for these reasons contributes to its significance.
6. Although in some views the building does exhibit an L-shaped appearance, historical mapping indicates that past development has abutted the rear elevation of the property which would likely have reduced the extent to which this elevation and any L-shaped form of the building would have been legible.

Furthermore, the more ornate and decorative architectural detailing is situated elsewhere on the building and the rear elevation is, comparatively, far plainer in appearance. Therefore, I have no substantive evidence that the L-shape of the building or the built form of the rear elevation contributes markedly to the significance of the host property or the CA.

7. The property has been quite extensively altered in the past, and I accept that the proposal would, in extending the property again, cause some further deviation from its original appearance. However, previous extensions have already affected sections of the rear of the property which would be extended in the proposal. This is evidenced by the presence of more recently constructed brickwork. Therefore, only proportions of the rear of the property which would be extended are original or more historic. Furthermore, and despite the totality of development that would occur, other more historic elements of the rear elevation of the building would remain unaffected by the proposal.
8. Moreover, the extension would be recessed from the rearmost part of the second floor of the building, would be set in from the existing north-west elevation and also set down from the second floor roof parapet. Whilst the degree of the recess, set back and set down may be quite modest they would nevertheless assist in breaking up the mass of the extension, ensure that the extension would be read, visually, as an addition to the second floor of the property, and adequately preserve the cascading nature of the rear of the property. Therefore, whilst I accept that the extension would affect a substantial section of the second floor at the rear of the property, the particular design proposed would moderate its effects in this regard and would remain subservient to the host property.
9. The extension proposed would incorporate design elements reflective of the existing building such as a parapet roof, sash windows and brick elevations. Consequently, the development positively responds to the architecture of the building and represents good design which would be sympathetic to the host building, and its significance would be preserved. The development would also preserve the character and appearance of the CA.
10. I note that the Council undertake a balancing exercise between the harm to the heritage assets that they consider would result from the development and any public benefits. However, given my findings, such a balancing exercise is unnecessary in my decision.
11. Therefore, the development accords with Policies Q5, Q11, Q22 and Q23 of the Lambeth Local Plan 2020-2035, adopted 2021 (LP). In summary, and amongst other matters, these policies require that alterations and extensions to buildings are subordinate and respect features of the host property, whilst development should sustain and reinforce local distinctiveness, preserve or enhance the character and appearance of conservation areas and protect non-designated heritage assets. I also find that the development would be compliant with guidance contained within the Building Alterations and Extensions Supplementary Planning Document, 2015 (SPD). The SPD includes advice which is quite prescriptive but in finding that the development represents good design, it follows that it accords with the overall aims of the SPD.

Other Matters

12. Deacon House is located on the opposite side of Tyers Street to the host property. The proposed extension would neither project above nor beyond the existing side elevation of the Jolly Gardeners which runs alongside Tyers Street, and which would flank the extension to the east. Given the orientation of the properties, separation between them, and the extent to which the extension would be screened behind an existing elevation, no significant effects upon the levels of natural light which the occupiers of Deacon House currently receive would result from the development.
13. I note that the Council are satisfied that provided the windows within the proposed extension include obscured glazing and include a restriction on their means of opening, and provided that the flat roof of the extension is not utilised as a balcony, that the privacy of neighbouring occupiers would be preserved, and I have no reason to disagree.
14. The appellant may have submitted a number of planning applications in the past and this may have included schemes with some similarity to that proposed in this case, however, this has little to do with the planning merits of the case and, moreover, I have found the development in this case to be acceptable.
15. The use of the public house may currently cause some noise. However, I have no substantive evidence that the addition of the hotel bedrooms proposed in this case would contribute further to this noise to any meaningful extent.
16. I note the concerns within the public representations that the local area is saturated with hotels. However, I have no substantive evidence before me that this is the case, the Council have not objected to the principle of the development, and I have no reason to disagree.
17. Construction may cause some disruption and noise, but it would be short-term in nature and not significant enough to withhold permission.

Conditions

18. I have imposed the standard condition in respect of time limitation (condition 1). I have imposed a plans condition in the interests of clarity (condition 2). Condition 3, to secure the appropriate use of materials, is needed in the interests of the character and appearance of the host property and the CA. Condition 4 is necessary so as to ensure that the hotel accommodation proposed would be of a sufficient quality and standard. Finally, I have imposed conditions 5 and 6 in the interests of protecting the privacy of neighbouring occupiers. In the interests of precision or clarity I have made some amendments to the wording suggested by the Council.

Conclusion

19. For the above reasons, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR