



Appeal Decisions

Site visit made on 26 June 2024

by Matthew Nunn BA BPI LLB LLM BCL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 July 2024

Appeal A: APP/H5960/W/23/3328619

The Grapes Public House, 39 Fairfield Street, London SW18 1DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Punch Partnerships (PML) Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2022/4677, dated 14 November 2022, was refused by notice dated 1 March 2023
 - The development proposed is described as 'demolition of existing outbuilding and part demolition of brick wall fronting Fairfield Street. Erection of 1 x two-storey 3-bedroom house (Class C3) with associated parking, access and landscaping fronting Fairfield Street'.
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Appeal B: APP/H5960/Y/23/3328620

The Grapes Public House, 39 Fairfield Street, London SW10 1DX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Punch Partnerships (PML) Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref: 2022/4788, dated 14 November 2022, was refused by notice dated 1 March 2023.
 - The works proposed are described as 'demolition of existing outbuilding and part demolition of brick wall fronting Fairfield Street. Erection of 1 x two storey 3-bedroom house (Class C3) with associated parking, access and landscaping fronting Fairfield Street'.
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Decisions

1. Appeal A and Appeal B are both dismissed.

Preliminary Matters

2. The scheme determined by the Council provided a single car parking space to the front of the proposed new dwelling. The second reason for refusal in Appeal A stated that this would be contrary to the London Plan which requires developments of this type to be 'car free'. The Appellant has now provided revised plans omitting the parking space and the Council has confirmed that this would address this reason for refusal¹. Having regard to *Wheatcroft*² and *Holborn Studios*³, I am content for the appeal to proceed on this basis, and I have dealt with it accordingly.

¹ Council's Statement of Case, Paragraph 6.15

² *Bernhard Wheatcroft Ltd v SSE* [JPL 1982 P37]

³ *R(Holborn Studios) v London Borough of Hackney* [2017] EWHC 2923

3. Since the determination of the applications by the Council, a new Wandsworth Local Plan and a Conservation Area Appraisal for Wandsworth Town have been adopted⁴. The Council has identified the Local Plan policies it considers relevant for these appeals⁵. I have proceeded accordingly.

Main Issues

4. The main issues are whether the proposed works and development would firstly preserve the The Grapes public house, a Grade II listed building, including having regard to its setting; and secondly whether the Wandsworth Town Conservation Area would be preserved or enhanced.

Reasons

5. The proposal involves constructing a new L-shaped three bedroom dwelling on land immediately to the north of The Grapes, within its curtilage. This is currently an open paved area with a brick-built store, enclosed by a close boarded timber fence, with gates on to Fairfield Street. At the time of my visit, this area did not appear to be in active use and was overgrown in places. There were some old tables and chairs, and various discarded items, creating a somewhat neglected feel. The proposal would necessitate the clearance of the site including removal of the store and part removal of a brick wall attached the public house.
6. The Grapes Public House is an early/mid 19 century Grade II listed two storey building located at the junction of Barchard Street and Fairfield Street. The building has an oblong footprint with rounded corners and is constructed of yellow stock brick. The ground floor elevation comprises decorative panelled stall risers supporting an Ionic-type pilaster order that wraps around the Barchard Street and Fairfield Street frontages. At first floor level, on the Fairfield Street elevation, there is a series of flat headed sash windows, alternating with arched windows which have sunray glazing bars. The Barchard Street elevation, at first floor level, comprises two flat-headed sash windows.
7. The northern elevation, adjacent to the proposal, comprises three distinctive tall arched windows, with impost mouldings. The easternmost arched window has been remodelled to accommodate a modern doorway providing access to the adjacent service yard. The building is topped by a decorative cornice carrying a parapet of pedestals and balustrades that wraps around the north, east and south elevation, punctuated with three solid panels bearing the name of the public house. The rear elevation is plain with rendered walls and a recently completed glazed conservatory extension, with an adjacent garden area. The significance of The Grapes primarily derives from its high quality architectural composition and detailing across the north, east and south frontages. It is a fine example of an imposing purpose built Victorian public house, which externally remains largely intact and unaltered. Its continued operation as a public house also means the building has communal value.
8. The appeal site falls within the Wandsworth Town Conservation Area. The Conservation Area Appraisal identifies it as falling within 'Sub-Area 5: Ram Brewery Area'. The Appraisal observes that this part of the Conservation Area is 'somewhat heterogeneous' and 'multi-phase'. Indeed, the locality is quite varied, comprising buildings of different eras and styles. Opposite the appeal

⁴ Adopted July and August 2023 respectively

⁵ Council's Statement of Case, Paragraph 4.1

site on the eastern side of Fairfield Road is a substantial post war residential building with commercial units at ground floor level. There are, however, pockets of older, smaller scale development, including adjacent to the appeal site. Immediately to the north is a locally listed terrace of two storey Victorian residential properties, Nos 43-49 (odd) Fairfield Street. They are of a modest scale and simple design, with stock brick facings and slate roofs. Nos 43-45 have hipped roofs, whereas Nos 47-49 have pitched roofs located behind a parapet. They are set back from the road behind shallow front gardens separated from the road by low brick walls.

9. Immediately to the west of the appeal site, along Barchard Road Street, is another terrace of two-storey housing (Nos 6-34 even), again locally listed. The Conservation Area Appraisal notes that these were possibly built to house workers for the nearby Ram Brewery. The significance of this part of the Conservation Area comprising terraced properties derives from being an early phase of workers' housing, stimulated by the growth of general industry in Wandsworth and the Ram Brewery in particular. These buildings represent a strong mid-19th century group, adjacent to a listed public house, in an otherwise fragmentary area of Wandsworth, bisected by busy roads.
10. I appreciate that some attempt has been made by the Appellant to blend the new dwelling with its surroundings, including brick elevations, sash windows and pitched roof. The front elevation would be staggered, and with a recessed element to allow some visibility of the distinctive arched windows to the northern elevation. That said, because of its proximity and overall bulk, the dwelling would partially obscure views of this distinctive and important elevation, thereby harming the listed building because of the intrusion within its setting.
11. Moreover, the proposed design and positioning of the dwelling pays little heed to its locality. Its front projecting element would stand well forward of the adjacent terrace to the north and would fail to respect the existing building line of those properties. Its ridge height would be notably higher than the adjacent residential terrace. Although the dwelling aims to adopt a broadly traditional design, with a pitched roof and chimney, it does not relate convincingly in either form or scale to the other modest terraced residential properties in the immediate vicinity. Nor does it relate meaningfully to the adjacent listed building. Its design appears somewhat generic, and non-specific to the locality, rather than relating to the sensitive site specific circumstances adjacent to a listed building and within a Conservation Area.
12. The Council has mentioned the importance of the appeal site in creating a gap adjacent to the north of the Grapes, which currently allows unobstructed views of the three distinctive arches on the north elevation. However, I acknowledge historic mapping and a photograph shows a single storey 'smithy' with a pitched tiled roof that occupied part of the site⁶, directly fronting the pavement, although it was demolished many years ago. Historic mapping also appears to show that the terrace on Barchard Street, originally extended up to the public house. It seems, therefore, that in the past the setting of The Grapes would have originally been more contained and close-knit. That said, these gaps have existed for an extended period and are now an established part of the street scene. In particular, the northern gap, by allowing unencumbered views

⁶ Ordnance Survey Map 1868, 1896 & 1916; 'Fairfield St Wandsworth' Ref 9015, Wandsworth Heritage Service

of the distinctive north elevation, is important in terms of the setting of the listed building, enabling a greater appreciation of it.

13. Of considerable importance is that the Council has recently granted planning permission for a dwelling on the site⁷. Thus, the partial infill of the gap has now been accepted. However, the design rationale for the approved scheme is fundamentally different from that before me in that it is single storey and set at a greater distance from the public house, allowing more expansive views of the north facade. Adopting a broadly contemporary design approach, it also takes design cues from the public house, including a curved corner as well as three full height windows. It is also set back further from the road than the appeal proposal, on a similar alignment to the adjacent locally listed terrace on Fairfield Street, and set behind a high stock brick wall, similar to that currently existing adjacent to the public house. Overall, this approved scheme would have less visual presence from the street. In the light of the design features and positioning of the building, I do not consider that this permission sets a precedent for the current appeal scheme.
14. In support of these appeals, the Appellant refers to an allowed appeal for two dwellings on a gap adjacent to the Crown Inn public house in Fordham⁸. In that case, the Inspector concluded that the appreciation and understanding of the listed building was not dependant on an adjacent large expanse of car parking, which was considered to detract from its setting. The Inspector found that the new dwellings would improve the setting of the listed building and enhance the conservation area. It is notable that the plans show a significantly wider gap between the new dwellings and the listed building than in the appeals before me. The circumstances of that case are entirely different from this current proposal.
15. The National Planning Policy Framework ('the Framework') advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation⁹. It further advises that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification¹⁰. In this case, I find the harm to be less than substantial but nevertheless of considerable importance and weight. Where a proposal would lead to less than substantial harm to the significance of designated heritage assets, the Framework advises that this harm should be weighed against the public benefits of the proposal¹¹.
16. In this case, a new dwelling would be provided which would contribute to housing supply in a sustainable location. Although clearly a benefit, permission has already been granted for a dwelling that is less harmful to the setting of the Grapes Public House, and more sympathetic to the locality and character of the Conservation Area. The Appellant has offered to include rainwater collection measures, PV panels, insect houses, and 'swift bricks' as 'public benefits', but similar benefits could be achieved in a scheme of a more appropriate design. The Appellant has also offered to install a high front boundary wall as proposed in the scheme granted permission, but this would

⁷ Reference 2023/4632

⁸ APP/V0510/W/21/3287481; APP/V0510/W/22/3303436; APP/V0510/W/22/3309056

⁹ Paragraph 205

¹⁰ Paragraph 206

¹¹ Paragraph 208

not alter my view on the appeal scheme's acceptability. Overall, I do not consider that these matters constitute the necessary public benefits that would outweigh the identified harm.

17. The relevant legislation requires that, in exercising planning powers in relation to listed buildings, special regard shall be had to preserving the building or its setting, or any features of special architectural or historic interest it possesses¹². In exercising planning powers in conservation areas, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area¹³. Overall, I find that the scheme would fail to preserve the setting of the listed building, and fail to preserve the character and appearance of the Wandsworth Town Conservation Area in accordance with the relevant legislation. It would be contrary Policy HC1 of the London Plan which requires that proposals affecting heritage assets should conserve their significance, and Policy LP3 of the Wandsworth Local Plan which requires development to sustain, preserve, and wherever possible, enhance the significance, appearance, character and function and setting of heritage assets and the historic environment.
18. Appeal B, the listed building consent application, relates to the part demolition of a brick wall within the curtilage of the public house. These enabling works are required for the new dwelling to proceed. The Council has effectively treated both the planning application and listed building consent application as one, and not specifically addressed the enabling works, nor raised objections to them. The Appellant has explained in detail that these works would not affect or undermine the significance of the listed building. I see no reason to disagree. However, given my conclusions on the substantive planning application, I consider it would be inappropriate to grant listed building consent for works which would be unnecessary in this case.
19. For the reasons above, I conclude that both appeals should be dismissed.

Matthew Nunn

INSPECTOR

¹² S16(2) and S66(1) Planning (Listed Buildings and Conservation Areas) Act 1990

¹³ S72(1) Planning (Listed Buildings and Conservation Areas) Act 1990