



Appeal Decision

Site visit made on 29 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 15 December 2017

Appeal Ref: APP/D5120/W/17/3176768

The Royal Charlotte Public House, 38 - 40 Station Road, Crayford, Dartford DA1 3QG

- 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 Grosz against the decision of the Council of the London Borough of Bexley.
 - The application Ref 17/00208/FUL, dated 18 January 2017, was refused by notice dated 10 April 2017.
 - The development proposed is conversion and alterations to the existing public house including a first floor rear extension and alterations to roofline incorporating two side dormer extensions to provide 5 residential units comprising 1 x studio flat, 1 x 1 bed flat, 2 x 2 bed flats and 1 x 3 bed flat.
-

Decision

1. The appeal is allowed and planning permission is granted for conversion and alterations to the existing public house including a first floor rear extension and alterations to roofline incorporating two side dormer extensions to provide 5 residential units comprising 1 x studio flat, 1 x 1 bed flat, 2 x 2 bed flats and 1 x 3 bed flat at The Royal Charlotte Public House, 38 - 40 Station Road, Crayford, Dartford DA1 3QG in accordance with the terms of the application Ref 17/00208/FUL, dated 18 January 2017 and subject to the conditions set out in the schedule at the end of this decision letter.

Main Issue

2. The main issue is the effect of the development in terms of the loss of the public house as a community facility.

Reasons

3. The Council has given significant weight in its decision to the status of the public house as a listed Asset of Community Value (ACV). From the information provided it is apparent that before it closed the pub was the subject of some reputational issues including as a result of anti-social behaviour. Although there appear to have been some positive messages on social media about the venue, and notwithstanding the views of CAMRA and the Bexley Civic Society, from the representations received there appears to be no significant resistance to the loss of the public house from local residents. Indeed I note that one resident, despite originally objecting to the proposal, has since taken the view that it would be preferable to the venue re-opening as a public house.
-

4. Concerns have been expressed by the Council and others that the continued viability of the site as a public house has not been tested by the appellant. However it is accepted by the Council that there is no requirement within the development plan for such a test to be undertaken when considering the potential disposal of community facilities. Furthermore, whilst they may have different characteristics, from the information before me, there would appear to be several alternative public house venues within relatively easy walking distance for most people from the appeal site. Therefore I am not persuaded that the proposal would result in any significant harm to the community's ability to meet its day to day needs.
5. In terms of the status of the appeal site as an ACV, the appellant has drawn my attention to a previous appeal decision which involved the conversion of a public house to provide residential accommodation. The Inspector in that case stated that "*the primary purpose of ACV listing is to afford the community an opportunity to purchase the property, not to prevent otherwise acceptable development*"¹. I have no reason to take a different view. Whilst I accept that the status of the property as an ACV is a material consideration when assessing a proposal for change of use and that the possibility of a more popular public house use being resurrected in the future cannot be ruled out, for the reasons set out above I am not persuaded that the Council has made a compelling case for its retention.
6. I therefore conclude that the proposed development would not result in harm in terms of the loss of the public house as a community facility. It would accord with Policies CS01, CS05 and CS21 of the Bexley Core Strategy 2012 and with the National Planning Policy Framework insofar as they seek to prevent the loss of existing services and facilities where this would reduce the community's ability to meet its day to day needs.

Other Matters

7. There have been a number of further concerns raised by third parties. The car parking survey, undertaken as part of the appellant's transport statement, revealed a degree of surplus overnight parking space on streets located in the vicinity of the site. The Council agree that this would be sufficient to accommodate any additional parking demand generated by the development and I have no reason to take a different view. Whilst I note that some residents raise concerns that this does not accurately reflect the level of parking stress in the locality, I have not been provided with any alternative evidence to support this position.
8. The proposal would involve some modest extensions to the rear of the building at first floor level and to the existing roof area. These alterations would be subordinate in scale to and would respect the design of the existing building. Accordingly this would not result in harm to its character and appearance.
9. In terms of amenity space, each of the units with the exception of the studio would be provided with an external terrace, a common arrangement in flat conversions. Although the studio would not be provided with external amenity space, it would be expected to accommodate only a small household, therefore reducing the need for such space. The Council has not objected to the level of balcony space being provided and I have no reason to take a contrary view.

¹ Ref: APP/Y5420/W/14/3001921

10. With regard to concerns expressed about the overlooking of neighbouring property, I am satisfied that this could be mitigated through the incorporation of screening to the terraced areas. The appeal site is sufficiently separated from existing dwellings on the opposite side of Station Road to ensure that the proposed terrace areas would not result in harm to the privacy of residents there.
11. Whilst concern has been raised about the potential lifestyle of future occupiers of the building, the proposed residential development is compatible with the established residential character of the location. The individual identity of occupiers is not a matter for consideration.
12. I have not been provided with any information to suggest that there is a problem in terms of available drainage capacity or that harm would be caused to trees situated adjacent to the site. With regard to concerns that the actions of a Committee member resulted in a conflict of interest, this is a matter that would need to be taken up directly with the Council and is not for my deliberations in this appeal. I recognise that since the Council's decision in this case, it has given permission for an alternative proposal which would include retaining part of the premises as a public house. That decision, however, does not mean that the community value of the public house is greater than it was beforehand and I must consider the current proposal on its own individual merits.

Conditions

13. I have considered the conditions suggested by the Council. Conditions specifying the plans and requiring details of the external materials are needed to provide certainty and to safeguard the character and appearance of the area. Details of cycle and bin storage are required to ensure a satisfactory standard of development. A condition requiring the provision of a construction method statement is required to protect the living conditions of residents and in the interests of highway safety. Conditions to mitigate the transmission of internally generated noise and requiring the application of screening to balcony areas is required to protect the living conditions of residents.
14. I have not been provided with any robust evidence or assurance as to how car free development of the site could be secured through a planning condition that would meet the various tests for conditions within the Government's Planning Policy Guidance or through the submission of a suitable planning obligation to enable consideration of this matter. However I have concluded that there would be sufficient on-street car parking capacity within the locality to serve the development. A condition preventing residents from obtaining permits in order to ensure a car free development would not therefore be required in any event.

Conclusion

15. For the reasons set out above and having regard to all other matters raised, I conclude that the appeal should be allowed.

Roy Merrett

INSPECTOR

SCHEDULE OF 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: DP248[P] Sk1A; DP248-2[P]11B; DP248-2[P]12.
- 3) No development shall commence until details and, where so required by the local planning authority, samples of the materials and finishes to be used in the construction of the external walls and roof of the proposed building have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The development shall not be occupied until cycle storage space has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed cycle storage space shall be retained thereafter.
- 5) The development shall not be occupied until storage space for refuse and recycling materials has been provided in accordance with details to be previously agreed in writing by the local planning authority. The agreed storage space shall be retained thereafter.
- 6) No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The statement shall provide for the loading and unloading of plant and materials including delivery hours; storage of plant and material used in constructing the development; construction working hours; measures to control the emission of dust and dirt during construction; means of minimising noise and vibration (including any piling); means of the identification, removal and safe disposal of asbestos; construction site lighting and wheel washing facilities. The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 7) Prior to first occupation of the development, details of screening measures to be applied to the southern flank wall of the first floor rear terrace and to mitigate mutual overlooking between proposed terrace areas shall be submitted to and approved in writing by the local planning authority. The approved measures shall be installed prior to first occupation of the development and shall be maintained as such thereafter.
- 8) The building shall be adapted so as to provide sound insulation against internally generated noise, in accordance with a scheme to be previously submitted to and agreed in writing by the local planning authority. The sound insulation works shall be completed, and verification of this submitted to and approved by the local planning authority in writing, before the use of the building begins. The scheme shall be retained thereafter.

END OF CONDITIONS SCHEDULE
