



Appeal Decisions

Hearing held on 19 September 2013

Site visit made on 19 September 2013

by J C Chase MCD Dip Arch RIBA MRTPI

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

Decision date: 4 October 2013

Appeal Ref: APP/A5840/A/13/2197274

1-13 (odd numbers) Park Street, London, SE1 9AB

- 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 United St Saviour's Charity against the decision of the Council of the London Borough of Southwark.
 - The application Ref 12/AP/3405, dated 19 October 2012, was refused by notice dated 8 April 2013.
 - The development proposed is the refurbishment and extension of a Grade II listed terrace of houses, including mansard extension to Nos 1, 3, 7, 9 and 11, to provide an additional 5 residential units resulting in a total of 12 units to comprise 3 x studio, 6 x 1 bed flats, 2 x 2 bed flats, and 1 x 4 bed flat.
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Appeal Ref: APP/A5840/E/13/2197264

1-13 (odd numbers) Park Street, London, SE1 9AB

- 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 United St Saviour's Charity against the decision of the Council of the London Borough of Southwark.
 - The application Ref 12/AP/3406, dated 19 October 2012, was refused by notice dated 8 April 2013.
 - The works proposed are the refurbishment and extension of a Grade II listed terrace of houses, including mansard extension to Nos 1, 3, 7, 9 and 11.
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Decisions

1. Both appeals are dismissed.

Main Issues

2. The planning decision notice refers to the lack of secure cycle storage. However, the Council accept that this is a secondary matter, not of determining importance. In light of this, and the other evidence submitted, the outstanding main issue in respect of both appeals is whether the proposed alterations would preserve the special architectural and historic character of the listed buildings, and in relation to the planning appeal alone, whether they would preserve or enhance the character or appearance of the Conservation Area.

Reasons

3. The appeal property is a terrace of buildings from Nos 1 to 11 Park Street, and a separate block at No 13. They were built in 1831 at three storeys, in a regular Georgian style, with a repeating pattern of sash windows, and shop

fronts at ground level. Nos 1 to 11 are group listed grade II, and No 13 is separately listed, also grade II. This section of Park Street is narrow and well contained by a sharp bend and railway bridge to the west, and the Borough Market to the east, which gives the area a small scale, intensive commercial character. It falls within the Borough High Street Conservation Area.

4. The terrace is identified in the Conservation Area Appraisal 2006 as a remnant of an earlier pattern of development, and is considered an especially good line of early 19th century houses. The Council ascribe particular significance to this being the only surviving, relatively complete, late Georgian terrace in the vicinity. Whilst the appellants point out that other examples exist elsewhere, there is no serious challenge to the Council's assertion in respect of this part of the Conservation Area.
5. The extension and refurbishment of the buildings is proposed, which would retain the present commercial space, but provide an additional five flats. Amongst the proposals are the reinstatement of historic features, including the parapet cornice, sash windows, and traditional shop fronts. The Council raise no concern about these alterations, which would reinforce the heritage value of the property, nor is there an objection to the internal changes, which would not lead to any significant loss of historical features. However, the proposal includes the introduction of a fourth storey in the form of a mansard roof across the whole of the terrace at Nos 1 to 11. This is the main point of contention.
6. Two questions arise: the significance of the form and fabric that would be lost by the conversion, and the effect of the new addition. On the first point, there is no doubt that the roof of No 5, which has a mansard extension similar to that now being proposed for the remainder of the block, is not original, probably dating from the late nineteenth century. The remaining roofs vary between buildings in the terrace, being a combination of valley and ridge shapes. The variations may well be explained by the different plan form of the individual properties, and taking account of this, and the evidence in the appellants' building survey, there are reasonable grounds to consider that the other roofs in the block are in their original form. It appears that significant portions of the roof covering and sub-structure have been replaced over time, but this seems to be on-going repair and replacement, rather than alterations to the basic shape of the buildings. Whilst the roofs are not visible from ground level, they are an integral part of the original form of the terrace, and have significance because of that.
7. Turning to the effect of the new mansard roofs, it is certainly the case that there would be a limited impact on the immediate parts of Park Street, with the parapet concealing the new work. It would become more visible from the northern pavement, and from the longer views available from either end of the street, including beneath the railway bridge when approached from the west. To the limited extent that the rear of the block is visible from the railway and taller buildings to the south, the mansard would become the most prominent feature of the block. In these respects, there would be some impact on the appearance of the terrace and, although the original brick frontage would remain the dominant feature, there would be a significant alteration in the fundamental form and the original character of the block.

8. The existing mansard roof at No 5 does create some irregularity in the terrace, but to a limited degree. There is no overriding need to create a new roof line to integrate the block, which is adequately unified by the consistent appearance of the front wall and parapet. In any event, doubt arose during the Hearing about whether it would be possible to achieve the uniform appearance of the mansard as shown on the drawings, taking account of variations in the plan form of the buildings. Even if the proposal was acceptable in other respects, it would not be satisfactory to permit the alteration of a listed building where there are significant unresolved issues surrounding the ultimate appearance of the conversion.
9. The proposed improvements to the building are taken into account, and discussed further below, but there remain adequate grounds to consider that the scale and nature of the alterations would have an impact on the heritage significance of the terrace amounting to the substantial harm identified in para. 133 of the National Planning Policy Framework. In these circumstances, it is necessary to show that substantial public benefits would arise out of the development to outweigh that harm. In this respect, a number of matters have been identified, both in terms of the repair and improvement of the existing fabric, and the economic and social benefits of the scheme.
10. Whilst there is some indication that the terrace is in need of repair and refurbishment, the appellants do not claim that the development is an essential means of financing the work. However, the proposals would involve the restoration of original features, including sash windows to replace casement windows, replacement of some existing shop fronts with traditional forms, and restoration of the moulded parapet decoration. In other respects, the existing materials would be restored and refinished, and it is proposed to improve the performance of the fabric to minimise energy requirements.
11. It is also the case that the terrace was originally built for the organisation that still owns it, to provide funds for its charitable works, and that this would apply to any economic benefit arising out of the present scheme, with funds being redistributed in the local area. In addition, a Unilateral Undertaking made in accordance with Section 106 of the Town and Country Planning Act 1990 includes a commitment not to raise the rents of protected tenancies in the block as a result of the redevelopment, and the Council acknowledge the benefit of five additional dwellings in a sustainable location.
12. These, and all other points raised, are taken into account. However, whilst there is merit in the restoration of historic features, their absence is not so apparent as to seriously undermine the heritage value of the property. The main character and integrity of the terrace remains, assisted by the restrained nature of the later work, and the consistent paint scheme used by the owners. It would be beneficial to improve the energy performance of the building, but measures could be taken without reliance on the new conversion. The protection of tenants' rent appears to be mainly a private matter, rather than amounting to the normal concept of affordable housing. Whilst the social and economic advantages of the scheme, including the charitable purpose of the development, are recognised, the public benefits are not of such substance as to outweigh the harm to the listed buildings at Nos 1 to 11. Nor would those benefits override the harm to Park Street and its role in the Conservation Area, where the original form and appearance of the properties makes a significant contribution to the historic character.

13. In addition to the statutory duties imposed by the Planning (Listed Buildings and Conservation Areas) Act 1990, regard is had to the identified development plan policies, including 3.15, 3.16 and 3.17 of the Southwark Plan, adopted 2007, which seek to conserve the heritage value of listed buildings and Conservation Areas in the Borough. Whilst some mansard roof development has been allowed under these policies, the scale and nature of these examples differs from the appeal scheme, and listed building proposals of this sort are subject to their own circumstances. Taking account of those circumstances in the present case, the alterations would not preserve the special architectural and historic character of the listed buildings, nor the character or appearance of the Conservation Area.

Other Matters

14. Policy SP2 of Southwark Core Strategy, adopted 2011, encourages the use of bicycles and seeks to maximise the amount of cycle parking, and Southwark Plan Policy 5.3 requires the provision of secure and weatherproof storage facilities. However, there is no potential for dedicated storage on the appeal site, and whilst the appellants' Unilateral Undertaking attempts to overcome the deficiency, there is no suitable identified location for cycle racks on public land, and the provision of folding bicycles for the occupants is unlikely to be a permanent remedy. However, having regard to the availability of public transport in the vicinity and accessibility to a wide range of facilities within walking distance, along with the priorities generated by the heritage status of the buildings, this is a secondary matter which would not, of itself, justify dismissal of the appeal.
15. A number of concerns have been raised by local residents, including the effect on privacy and light levels, on local traffic and parking, and congestion arising from the increased residential density. Subject to the provision in the Unilateral Undertaking to prevent the use of residents' parking places, the Council consider that these matters would not give rise to unduly harmful effects and there is no reason for these decisions to reach a different conclusion. This is an intensively developed urban area where some compromise of amenity and living conditions is inevitable, but the evidence does not indicate that the appeal scheme would increase any harm to an unacceptable degree.

Conclusions

16. Whilst it is accepted that the other matters identified would not justify rejection of the proposals, the harm to the heritage significance of the listed buildings and the Conservation Area is of sufficient weight to indicate that both appeals should be dismissed.

John Chase

INSPECTOR

APPEARANCES

FOR THE APPELLANTS:

Mr R Turney	Of Counsel, instructed by the appellants
Ms H Parham	Historic buildings advisor, Donald Insall Associates Ltd
Mr A Heath	Architect, BPTW Partnership
Mr J Wintour BA, MA	On behalf of the appellants
Mr P Sturrock MA, MBA, FRSA	On behalf of the charity trustees

FOR THE LOCAL PLANNING AUTHORITY:

Mr N Brockie MA, MRTPI	Team leader, design and construction, London Borough of Southwark
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INTERESTED PERSONS:

Mr M Challenger	Local resident
Ms P Quinlivan	Local resident
Mr D Keightley	Local resident

DOCUMENTS

- 1 Borough High Street Conservation Area Appraisal, June 2006
- 2 Listing of No 13 Park Street
- 3 Extracts for the National Planning Practice Guidance: Conserving and enhancing the historic environment
- 4 Set of drawings at full scale
- 5 Suggested planning/listed building consent conditions

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