
Appeal Decisions

Site visit made on 19 November 2013

by Mr Kim Bennett BSc DipTP MRTPI

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

Decision date: 2 December 2013

Appeal A Ref: APP/L5810/E/13/2200919

The Mitre Public House, 20 St. Marys Grove, Richmond, Surrey TW9 1UY

- The appeal is made under sections 20 and 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant conservation area consent.
 - The appeal is made by Mr James Dorey against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref DC/RON/13/0172/CAC/CAC, dated 17 January 2013, was refused by notice dated 11 March 2013.
 - The development proposed is demolition of old stable block. Demolition of single garage and attached storage shed. Reinstatement of wall around boundary. Levelling and landscaping to pub garden.
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Appeal B Ref: APP/L5810/A/13/2198989

The Mitre Public House, 20 St. Marys Grove, Richmond, Surrey TW9 1UY

- 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 James Dorey against the decision of the Council of the London Borough of Richmond Upon Thames.
 - The application Ref DC/RON/13/0070/FUL, dated 28 December 2012, was refused by notice dated 11 March 2013.
 - The development proposed is demolition of old stable block. Demolition of single garage and attached storage shed. Reinstatement of wall around boundary. Levelling and landscaping to pub garden.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matter

3. As set out above there are two appeals on the same site which are for the same proposal although one relates to Conservation Area Consent, and the other to Planning Permission. Although the separate system for Conservation Area Consent was abolished on 1 October 2013, applications made prior to that date are dealt with under the existing statutory provisions at the time the application was made.
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4. I have considered each proposal on its individual merits, but to avoid any duplication I have dealt with the two schemes in this document. For ease of reference I have referred to the cases as Appeal A and Appeal B.

Main Issue

5. The main issue is whether the proposal would preserve or enhance the character or appearance of the Sheen Road Conservation Area.

Reasons

6. The Mitre is a 2 storey public house, dating from the Victorian period, occupying a prominent position on the corner of St. Mary's Grove. It has been identified by the Council as a Building of Townscape Merit and is included within the Sheen Road Conservation Area. To the rear is a single storey former stable building constructed in brickwork with a pitched and slated roof. It appears to be of a similar age to the public house and original constructional features within it are still apparent. It has apparently been used for storage purposes for some time and is in need of some repair. The building is contained within the rear area of the public house which is currently used as a beer garden/smoking shelter. There is a mono pitched modern garage on the southern side of the stable block, extending back into the rear area, and a flat roofed storage building built alongside. The remainder of the southern boundary of the rear of the public house is contained behind a high brick wall.
7. Adjacent and to the south of the public house is a private road which leads to a parking court in the form of a row of modern flat roofed garages which back onto the stable building. The setting of the stable building has thus been partly compromised by modern structures of no particular merit.
8. Because of its inclusion within the Conservation Area, I have had special regard as to whether the proposal would preserve or enhance the character or appearance of the Sheen Road Conservation Area.
9. The appellant's intention is to demolish the former stable, garage and storage building to provide replacement parking and so that the rear of the public house can be improved for its use as a beer garden. As part of the proposal the boundary wall would be rebuilt in a more sympathetic fashion. The reasons given for demolition of the stable building are that it is in a poor state of repair, not suitable for modern usage and is only partly visible from outside the site.
10. However, I observed that the roof of the building is still clearly visible above the modern structures when viewed from St. Mary's Grove, the private road and from the garage court to the rear. Visually therefore it still appears as an ancillary outbuilding to the public house and is seen as part of the setting of the main building. Whilst removal of the modern structures would be welcome in terms of improving and reinstating its former setting, I consider its demolition would cause harm in that the historical association between the buildings would be lost. These concerns carry greater weight because of the host building's status as a Building of Townscape Merit. Although it is not afforded the same protection as a listed building, it demonstrates that it has been recognised as adding to the historic character of the local environment.

11. I acknowledge the appellant's comments that the building is in a poor state of repair. However no evidence in the form of a structural survey is before me to demonstrate that the building cannot be repaired and restored. My impressions at the site visit were that whilst there are clear signs of damp and general dilapidation there are no obvious signs that the building is in imminent danger of any structural failure. Indeed as noted above, it is still actively being used for storage purposes. I also acknowledge the appellant's concerns regarding health and safety issues. However in the absence of evidence that the building is currently dangerous, such considerations are part of owners general obligations in relation to buildings being used by, or in close proximity to, the general public, and I therefore afford them limited weight in the determination of these appeals.
12. A combination of the above issues leads me to conclude that the proposed developments would fail to preserve the character and appearance of the Sheen Road Conservation Area. In reaching the above finding, I am also mindful that in view of the size of the Conservation Area, the overall harm would be less than substantial within the context of paragraph 134 of the National Planning Policy Framework. I have therefore had regard as to whether the harm would be outweighed by any public benefits arising from the proposals. In this regard I acknowledge that the proposed development would provide an improved community facility for the immediate area and secure some visual improvements to the rear area of the public house. However in my view, the same gains could be achieved without the demolition of the stable building and they do not override the harm I have identified above.
13. For the above reasons the proposals would fail to preserve the character and appearance of the Sheen Road Conservation Area. The proposals would therefore be contrary to Policy CP7 of the Council's Core Strategy 2009 and Policies DM HD1 and DM HD 3 of the Council's Development Management Plan 2011, in that they would not protect a Building of Townscape Merit in an area of high quality and historic interest and would not preserve the character and appearance of the Conservation Area. The appeals should therefore be dismissed.

Kim Bennett

INSPECTOR