

**LOSS OF PUBLIC HOUSES**  
**A PLANNING CASE**

**SOURCE PP/01/01923 THE PHOENIX, 23**

**SMITH STREET**

**REPORT AUTHOR J ON WADE**

**1.0 THE SITE**

- 1.1 No. 23 Smith Street is a 3 storey end of terrace property with cellar situated on the eastern side of the street at the junction with Woodfall Street. The flank elevation of the property extends along Woodfall Street and both elevations are clearly visible when viewed from the south in Smith Street.
- 1.2 The ground floor and cellar of the property are in use as a public house known as 'The Resident' whilst the first and second floors are in residential use. The property appears to date from the early Victorian period and was probably purpose-built as a public house. It was formerly known as The Phoenix.
- 1.3 The character of surrounding streets is one of residential terraces and the public house was probably built to serve the surrounding streets as a local facility. It is situated within the Royal Hospital Conservation Area.

**2.0 PROPOSAL**

- 2.1 The proposal is for the change of use of the public house to a residential house, the excavation of a lightwell on the Smith Street elevation and elevational alterations including the extension of the wall on the Woodfall Street elevation and the erection of security bars on the proposed new openings on the Woodfall Street elevation.
- 2.2 A rear terrace will be created at ground floor level with access via steps from Woodfall Street and from the ground floor of the proposed living accommodation.

**3.0 PLANNING HISTORY**

- 3.1 Alterations to the elevation of the former Phoenix Public House was permitted in September 1957.
- 3.2 The retention of the ground floor sash windows, extract pipework, flue and air conditioning units was permitted in December 1998 (Ref. TP/97/00596).

**4.0 PLANNING CONSIDERATIONS**

- 4.1 The principal considerations are the effect of the proposals on the character and appearance of the Royal Hospital Conservation Area and residential amenity.
- 4.2 Policy CD25 seeks that all development in any part of the Borough is to a high standard of design.
- 4.3 Policy CD30 requires development to be designed to ensure sufficient visual privacy of residents.
- 4.4 Policy CD40 resists the introduction of roof terraces subject to certain criteria.
- 4.5 Policy CD43 resists side extensions to buildings if (amongst other criteria) a significant view or gap would be blocked or diminished.
- 4.6 Policies CD48, CD52 and CD53 aim to preserve or enhance the character or appearance of conservation areas.
- 4.7 Policy H3 encourages the use of property, whenever appropriate, for residential purposes and particularly purpose-built for residential accommodation where presently in another use.
- 4.8 Policy H5 encourages the provision, where appropriate, and to resist the loss of local services and facilities which support the residential character of the area.
- 4.9 In terms of residential amenity revised plans have been received which have deleted proposals for high level roof terraces. The proposed terrace is at ground floor level, is surrounded by tall walls and it is not considered to cause any loss of privacy or raise design implications in itself. On this basis it is considered to be in accordance with Policy CD40.
- 4.10 With regard to the proposed external alterations revised plans have been received which propose to retain the existing tiling and this is welcomed. Fenestration changes are proposed at ground floor level, namely that the existing doors are converted to windows, but these changes in themselves are not considered objectionable. The provision of security bars on the Woodfall Street elevation is not welcome. However, it is considered that this aspect could be controlled by a safeguarding condition. The gap between the end of the public house and No. 3 Woodfall Street is not considered of any significant importance in this case given the height of the proposed extension which is at ground floor level only.

The creation of a lightwell on the Smith Street elevation with railings around the lightwell is considered to erode the character of the public house within the streetscene. Terraces which contained a commercial building such as a public house did not have lightwells associated with

their use. Whilst this may not be sufficient reason in itself to refuse permission the contribution of the public house to the character and appearance of the conservation area and the residential character of the area should also be examined.

- 4.11 Paragraph 4.19 of Planning Policy Guidance 15 on Planning and the Historic Environment confirms that a high priority must be given to the objective of preserving or enhancing the character or appearance of the area. It is considered that in this case the existing public house does make a positive contribution to the character of the surrounding residential streets and its loss to a residential use would inevitably erode the character of this part of Smith Street. No compelling evidence has been submitted to demonstrate that the public house is no longer viable or does not provide a local service to the surrounding community and a number of letters of objection have been received to its loss. On this basis the loss of the public house is considered detrimental to the character of the Royal Hospital Conservation Area and being a local facility it is also considered to support the residential character of the area. The proposal is therefore considered contrary to Policies CD48, CD52, CD53 and H5 of the Unitary Development Plan.
- 4.12 In terms of the use of the cellar for residential purposes, the proposal for a self-contained flat has now been deleted. This would have created a substandard unit of residential accommodation as there was insufficient light for a self-contained unit. No objections are raised to its use for residential purposes providing it remains ancillary to the main property and it is considered that this could be controlled by a suitable safeguarding condition.

## **5.0 PUBLIC CONSULTATION**

- 5.1 The occupiers of 81 residential properties in Smith Street, Woodfall Street and Wellington Square have been consulted on the proposal.
- 5.2 Objections were received to the original plans from the occupier of 22 Smith Street on grounds of the high level roof terraces proposed and their position.
- 5.3 The occupier of 23 Smith Street objects to the loss of the Public House considering it makes a valuable contribution to the feeling of community within the street. The occupiers of 4 Smith Street; 33 Radnor Walk; 22 Wellington Square; 44 Chelsea Court, Embankment Gardens; 10 Bywater Street and 12 Campden Hill Mansions, Edge Street object on similar grounds. Other letters of objection have been received but unfortunately addresses have not been included.
- 5.4 A resident of Royal Hospital Chelsea comments that there are a wide variety of people who use premises such as 'The Resident' and enjoy

the pleasant and relatively quiet atmosphere and dislike the newer 'identikit' chain pubs.

5.5 The Chelsea Society comments as follows:-

"We are alarmed by the continuing loss of Public Houses, which make a contribution to the local amenity.

While an occasional loss may be acceptable, even desirable, the cumulative effect should be carefully monitored.

Only if the Council is satisfied that this Public House is indeed surplus to the needs of the community should the application be approved."

In response the high level roof terraces have now been deleted. The objections relating to the loss of the public house are concurred with.

## 6.0 **RECOMMENDATION**

6.1 Permission be refused.