

Appeal Decision

Site visit made on 29 September 2016

by Jonathon Parsons MSc BSc (Hons) DipTP Cert (Urb) MRTPI

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

Decision date: 20th October 2016

Appeal Ref: APP/B1930/Y/16/3152075

50 High Street, Redbourn, St Albans AL3 7LN

- 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 M Barnes against the decision of the St Albans & District Council.
 - The application Ref 5/15/3383, dated 23 November 2015, was refused by notice dated 8 February 2016.
 - The development proposed is a flue to a Fish & Chip shop.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. An 'Access Required Site Visit' was carried out in the absence of the attendance of either the appellant or the Council. In this regard, the operator of the takeaway shop allowed me to inspect the listed building.
3. There is an existing flue on the rear of the listed building which has been indicated to be unauthorised. In a dismissed appeal¹, an Inspector considered a flue with brick slip cladding in 2014 on the rear of the building.

Main Issues

4. The main issues are whether the proposed scheme would:
 - a) preserve a grade II listed building or its setting or any features of special architectural or historic interest which it possesses;
 - b) preserve or enhance the character or appearance of the Redbourn Conservation Area.

Reasons

Listed building

5. The appeal premises are situated on a mainly commercial street and to the rear, there are residential properties.
6. The timber frame of the listed building dates back from the 16th Century, or earlier. The main part of the building is two storey with a lower two storey off-

¹ APP/B1930/A/14/2212967

shoot and a single storey lean-to at the rear. Between the off-shoot and lean-to, there is a narrow yard area. The building has an early 19th Century painted brick front and to the rear, it has a plain bricked appearance. The roof consists of a plain clay tile. It has two late 19th century sash windows at the first floor and modern timber windows of varying design on the ground floor. The listed building's simple character, attractive materials, intactness and noticeable age are of significance and value, and are of special interest to the listed building. The existing flue, on the rear of the off-shoot, is painted brown and visible from the residential area behind.

7. The proposed flue, the subject of the appeal, would be sited to the side of the off-shoot part of the listed building and would replace the existing flue which would be removed. It would emerge out of the top of a modern timber window and would bend and pass vertically up the exterior of the off-shoot between first floor windows. The top part of it would stop short of the ridge of the off-shoot. Despite being painted or powder coated black to match guttering and downpipes, the flue would be extensive and overly mechanical in appearance on a traditional brick wall. This would break up the simple design of the wall, the significance of which gives the building its special character. The proposed flue would have a harmful effect on the significance of the listed building, although this would be less than substantial.
8. Paragraph 134 of the National Planning Policy Framework (the Framework) advises that where a development will lead to less than substantial harm to the significance of a designated asset, the harm should be weighed against the public benefits for the proposal, including securing an optimum use.
9. The existing business provides a service to customers, employment including to businesses supplying goods and services and would be beneficial to the vitality and viability of the High Street. It has been indicated that the existing use ensures that the listed building's on-going maintenance and upkeep is carried out. This would be of some public benefit.
10. While other commercial uses without the need for a flue could be carried out at the premises and could have similar public benefits, the Council has accepted a take-away use would be appropriate, granting planning permission in 2011. The planning permission for the takeaway use clearly recognised that a flue would be necessary (the subject of a condition). The proposed flue would be lower in height than the existing flue whilst still achieving effective ventilation of odours and water vapour, and minimising the risk of nuisance to neighbouring properties.
11. Nonetheless, there is little detailed evidence before me to indicate that the proposal is the only way forward in terms of the extent and design of extraction equipment and that other less harmful options have been explored by the appellant. There is no information on the extent of the historic fabric of the building, including its timber frame. Without this, I am unable to assess whether a flue within the interior of the building has been considered as a possible option. In the 2014 appeal decision, the Inspector similarly assessed other less harmful options to be a significant consideration. Therefore, the weight to be attached to the public benefits of the current scheme is reduced.
12. The appellant would remove the existing flue but as this appears to be unauthorised, little weight can be attached to this. The listed building is of national importance and I attach great weight to its conservation.

Accordingly, the less substantial harm, identified under the Framework, would not be outweighed by the public benefits.

13. For all these reasons, the proposed works are harmful to the special architectural and historic interest of 50 High Street, a grade II listed building. Accordingly, the proposal would be contrary to Policy 86 of the St Albans District Local Plan Review 1994, which amongst other matters, requires special regard to the desirability of preserving the building or its setting or any features of architectural or historic interest which it possesses.

Conservation Area

14. Within the Redbourn Conservation Area, the listed building is part of an attractive traditional vernacular within the High Street. As such, the building's appearance, attractive materials, intactness and noticeable age are of significance and value, and are of special interest to the Conservation Area.
15. For the reasons previously indicated, the flue would be visually intrusive to the rear of the listed building. Although the impact of the development on the Conservation Area as a whole has to be considered, the flue would be intrusive from the rear of the property by reason of its extent and design. Accordingly, there would be harm to the character and appearance of the Conservation Area, although this would be less than substantial.
16. As with my assessment of the proposal's implications for the listed building, the impact of the scheme upon the Conservation Area as a designated heritage asset would fail to accord with the same policy requirements of the Framework and there are no overall public benefits sufficient to override the less than substantial harm to the Conservation Area. By reason of its intrusive impact, the proposed scheme would fail to preserve the character and appearance of the Conservation Area.

Conclusion

17. The proposal would fail to preserve a listed building of special architectural and historic interest and would fail to preserve the character and appearance of the Redbourn Conservation Area.
18. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathon Parsons

INSPECTOR