
Appeal Decisions

Site visit made on 9 January 2017

by Jonathan Hockley BA(Hons) DipTP MRTPI

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

Decision date: 30 January 2017

Appeal Ref: APP/N1920/W/16/3156078

The Green Man, 238 High Street, Potters Bar, Hertfordshire EN6 5DB

- 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 Montpelier Estates Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 15/2243/FUL, dated 18 December 2015, was refused by notice dated 21 April 2016.
 - The development proposed is the construction of a 42 bed care home (Class C2); change of use of the former Green Man Public House to form ancillary accommodation for the care home, together with provision for (9 no) car parking spaces: demolition of C20th additions to the Former Green Man Public House.
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Appeal Ref: APP/N1920/Y/16/3156121

The Green Man, 238 High Street, Potters Bar, Hertfordshire EN6 5DB

- 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 Montpelier Estates Ltd against the decision of Hertsmere Borough Council.
 - The application Ref 15/2244/LBC, dated 18 December 2005, was refused by notice dated 21 April 2016.
 - The works proposed are the construction of a 42 bed care home (Class C2); change of use of the former Green Man Public House to form ancillary accommodation for the care home, together with provision for (9 no) car parking spaces: demolition of C20th additions to the Former Green Man Public House.
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Decisions

1. The appeals are dismissed.

Procedural Matters

2. The reason for the refusal of both applications included a reference to the removal of a 19th century extension to the host building. The appellants considered that this element of the refusal was factually incorrect, as alterations to plans had been submitted to remove this element of works some time before the applications were decided. The Council note that relevant staff have since left the authority and are of the view that no proof is available that such plans were submitted and that no consultation had been carried out on them. The appellants note that only the 20th century extensions referred to in the development description and the decision notice were proposed to be demolished.
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3. Historic England responded in January 2016 that the proposed change of use and extensions did not fall within their remit, but that demolition does. They noted that the listing description states that the 20th century extension is not of special interest and raised no objections to the scheme. They were clearly therefore also of the view that the proposal did not seek to demolish 19th century extensions.
4. Various public comments were received on the appeal. These were largely based on traffic, highway and infrastructure concerns. The Council have had the amended plans and comments relating to such plans, even if not during the application process, since the appeal was lodged and has had the chance to consider. I am of the view given the totality of the evidence produced that no party would be prejudiced by myself considering the amended plans and statements and have therefore based my decision upon these. I note that the reference to the removal of the 19th century extensions in the refusal for both applications is effectively removed by the amended plans.
5. In November 2016 the Council adopted the SADM Plan¹. The policies in this document replaced the policies in the previous Local Plan referred to on the decision notices. I have therefore considered the SADM policies in my decisions below, although I note the numbering of some relevant policies has altered.

Main Issue

6. The main issue in both appeals is whether the proposal would preserve the special architectural and historical interest of the Grade II listed building.

Reasons

7. The Green Man public house is Grade II listed and dates from the mid-17th century. The listing notes that the building was remodelled and extended in the 18th, 19th and 20th centuries. The two storey timber framed and plastered building has a noticeable gable wing and ground floor projecting lean to. At the rear a 19th century range runs parallel to the main range and there is a single storey flat roofed 20th century extension to the back of this. The listing specifically notes that this extension is not of special interest. At the time of my visit the property was vacant and appeared to have been so for some time. Ground floor windows and entrances were boarded up.
8. The pub fronts onto the busy High Street, and is located at the top end of the street just before the road effectively splits into two around Morven Park. To the right are a run of similarly scaled Victorian era properties with shops at ground floor level. The closest ones are rendered with pantiled roofs, and the scale and design of them, despite being set forward of the Green Man, add to the setting of the heritage asset, although the lower eaves of the pub make the building appear smaller than them. To the left of the pub is sited the five storey red brick and flat roofed building of Hollies House. This abuts the boundary and dominates the pub, with an overbearing effect on the building. On the opposite side of the road lies the 3 storey Latimer House, whose scale, if not design, is more in keeping with the heritage asset. Within the rear of the site lies the pub garden and additional car parking/servicing area; housing is

¹ Hertsmere Local Plan Site Allocations and Development Management Policies Plan November 2016

located to the north of this, with a car garage to the south and west, and open green space beyond.

9. The Planning (Listed Building and Conservation Areas) Act 1990 (the Act) requires special regard to be given to the desirability of preserving a listed building and any features or architectural interest it possesses. The significance of the Green Man, as far as its exterior is concerned, lies essentially in the design of its façade, characteristic of the local vernacular, distinctive fenestration at first floor level and its setting on the High Street as a public house.
10. Section 66 (1) of the Act states that, when considering whether to grant planning permission for development which affects the setting of a listed building, special regard should be had to the desirability of preserving this setting. Paragraph 132 of the National Planning Policy Framework (the Framework) says when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through by development within its setting. The Framework defines setting as the surroundings in which the asset is experienced. Elements of setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance, or may be neutral.
11. The setting of the pub is eroded by Hollies House to the south. However, despite this overbearing presence, the building retains a stature in the street scene as a historic pub on the Great North Road. Whilst I note the statements that the open aspect of the plot to the rear of the pub is a relatively recent creation in the overall history of the building, this open space to both sides and to the rear of the pub enhances the setting of the building, contributing to the significance of the asset. The pub remains as one of the oldest surviving buildings on the High Street, and aside from the development to the north which, is, in part, slightly degraded and in need of some attention, as an island of historical development in the context of the busy surrounding built up area.
12. Policy CS14 of the Core Strategy² states that all development must conserve or enhance the historic environment, be designed to a high quality and not cause harm to listed buildings or their setting. Policies SADM29 and SADM30 of the SADM Plan³ together state that applications will be considered in accordance with the National Planning Policy Framework (the Framework) and that proposals which fail to protect, conserve or where possible enhance the significance, character and appearance of heritage assets and their settings will not be permitted. Development should have a high quality design, make a positive contribution to the built and natural environment and respect the local character of the area. Both elements of the development plan postdate the Framework.
13. The proposal seeks to construct a 42 bed care home to the rear of the pub, demolishing the single storey 20th century extensions and converting the building to form accommodation. The pub would be linked to the new building by a primarily glass linking structure. The plans show that that the new building would be three storeys in height and roughly 'L' shaped in plan form. The building would be flat roofed with a lighter glass framed top floor. The

² Hertsmere Local Plan Development Plan Document Core Strategy January 2013

³ Hertsmere Local Plan Site Allocations and Development Management Policies Plan November 2016

- building would fill much of the rear plot, with some space left for car parking and surrounding garden area.
14. The flat roof of the building would be set higher than the ridge of the public house, and the bulk and mass of the care home would be substantial. I also note that the top of the 'solid' extent of the first two floors would be above the eaves of the pub. Whilst this would be separated from the Green Man by the glass linking structure the building would still be in close proximity to the heritage asset and firmly within the setting of the building.
 15. Sketch plans have been submitted showing the public views from the High Street of the building that may be obtainable. These show views from the opposite side of the High Street and show that the height of the building would be clearly visible behind and around the heritage asset, particularly in angled views from the south and north east. The building would also have more of an impact in closer views from the west side of the High Street, and would not appear recessive or subordinate to the heritage asset. Despite the lighter upper floor I consider that the bulk of the building and the solid extent of the first two floors would dominate the heritage asset, adding to the existing overbearing effect of Hollies House and causing the listed building to feel 'hemmed in' on the site. This would adversely affect the contribution that the setting of the pub makes to the significance of the heritage asset.
 16. Due to the separation of the building from the public house and having regard to the advice in planning practice guidance I consider that the scheme would not reach the high hurdle of substantial harm (as defined in the Framework) to the significance of the heritage asset. However, though less than substantial, there would, nevertheless, be real and serious harm which requires clear and convincing justification. Paragraph 134 of the Framework indicates that such harm is to be weighed against the public benefits of the proposal, including securing its optimum viable use.
 17. Evidence is submitted regarding the provision of high quality housing to meet the specialist needs of the elderly and the current significant undersupply of such accommodation locally. A letter from a member of the public confirms this issue. The proposal would also produce other social and economic benefits, through construction and employment.
 18. It is also put to me that the removal of the 20th century extension is a benefit to the heritage asset and should be weighed in the balance, together with the renovation and viable use of the derelict pub. I place some weight on the reuse of the building; however, I am not convinced that the removal of the 20th century extensions is a substantial benefit of the scheme. Whilst not attractive, they are of their time and are of a form and function similar to many such extensions to pubs around the country. Whilst they are clearly not of special interest I do not consider that their removal offers a particularly significant public benefit of the scheme.
 19. It is important to remember that a less than substantial harm does not equate to a less than substantial objection. The Framework notes that as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Whilst I place material weight on the outlined public benefits of the scheme, I consider that these are insufficient to outweigh the less than substantial harm that the proposed development would cause to the setting of the Grade II listed building. In any event, it seems to me that it would be

entirely possible for a scheme to be brought forward that would secure a similar level of benefits, without causing the same degree of harm.

Conclusion

20. I therefore conclude that the proposal would fail to preserve the setting, and therefore the significance and special architectural and historical interest of the Grade II listed Green Man. Although I have concluded that the proposed development would cause less than substantial harm to this heritage asset, I do not consider that the public benefits of the proposal would outweigh the clear harm caused. As such the proposal would conflict with the Framework and the Core Strategy Policies CS14 and SADM policies SADM29 and SADM30.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jon Hockley

INSPECTOR