
Appeal Decision

Site visit made on 13 March 2017

by Thomas Bristow BA MSc MRTPI

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

Decision date: 22nd March 2017

Appeal Ref: APP/N1160/W/16/3162677

The Lounge, 7 Stopford Place, Plymouth PL1 4QT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 as amended against a refusal to grant planning permission.
 - The appeal is made by Mrs Elizabeth Waters against the decision of Plymouth City Council.
 - The application Ref 16/01196/FUL, dated 24 June 2016, was refused by notice dated 7 September 2016.
 - The development is described on the application form as 'the erection of a kitchen extraction duct'.
-

Decision

1. The appeal is dismissed.

Preliminary matter

2. As the extraction duct has been installed permission is sought retrospectively.

Main issue

3. The main issue is whether or not the development preserves or enhances the character or appearance of the Stoke Conservation Area.

Reasons

4. The Lounge, No 7 Stopford Place is a public house situated at the end of a traditional terrace of properties within a predominantly residential area of Plymouth. Whilst not a Listed Building, No 7 falls within the Stoke Conservation Area (the 'CA') and therefore forms part of this designated heritage asset.
 5. Notwithstanding the absence of a Conservation Area Appraisal or Management Plan, the CA is characterised by historic properties of largely consistent traditional design, many of which appeared to me to have been little altered with the passage of time. Surrounding properties are typically of classic symmetrical proportions with traditional external materials and incorporate varying degrees of fine architectural detailing.
 6. On occasion buildings of modern design are present nearby, as are non-original alterations to properties. Nevertheless as a whole the area appeared to me to retain a strong historic integrity which results in a harmonious character clearly reflective of the Victorian development of this area of the city. Whilst No 7 itself features certain modern interventions, including a bay window and awning, in
-

other respects it is essentially consistent with and reinforces the prevailing characteristics of its surroundings as described above.

7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Policy CS03 'Historic Environment' of the City of Plymouth Core Strategy adopted in 2007 (the 'Core Strategy') similarly establishes that the Council will safeguard and where possible enhance the character and setting of areas of acknowledged historic importance. Briefly stated, policy CS02 'Design' of the Core Strategy requires that development integrates appropriately with its surroundings.
8. The National Planning Policy Framework (the 'Framework') sets out that in determining planning applications account should be taken of the desirability of sustaining and enhancing the significance of heritage assets. It further establishes that 'great weight' should be given to the conservation of designated heritage assets, and that any harm that would result from development should be balanced against the public benefits that would arise.
9. The extraction duct is located on the elevation of No 7 facing Napier Street and is clearly visible from various surrounding vantage points despite the presence of a nearby tree. It is utilitarian and industrial in form with a complex segmented shape, and extends from ground floor ceiling height to above the eaves of the property. At its lowest level the extraction duct is approximately 2.1 metres above the level of the pavement beneath it. It projects between approximately 0.4 and 0.52 metres from the relevant elevation of No 7.¹
10. As a consequence of its prominence, size, modern industrial form, projection, and as it overhangs the pavement at a relatively low height, the duct is both readily apparent and jarringly incongruous in relation to the prevailing historic integrity of the area. Its modern engineered form and industrial design is clearly out of keeping with the historic residential appearance of surrounding properties and the prevailing use of traditional external materials.
11. Whilst a number of extraction ducts are visible within the surrounding area, in particular those of the Parkwood House nursing home nearby, none appeared to me to be similarly incongruous as that at No 7 (either by virtue of being smaller in scale, set back at a greater distance from the public realm, or partially screened by intervening buildings and boundary features). There is little information before me as to the planning considerations that applied to modern alterations to properties in the surrounding area, including other extraction equipment, and in any event the presence of such does not justify inappropriate development in the present.
12. The development therefore results in clear harm to the traditional harmonious character and appearance of the CA, notwithstanding that the degree of harm must in my view be described as less than substantial with reference to the approach in the Framework (given that No 7 is a small constituent part of the CA). This harm results primarily from the size, form and location of the extraction duct which are out-of-keeping with its surroundings. Consequently painting the duct an alternative colour, as has been suggested by the appellant, would not materially reduce this harm.

¹ All figures as stated within the Council's officer report, which are not disputed by the appellant.

13. The appellant explains that the duct was installed in order to comply with health and safety requirements, that it has been present for some time without attracting complaint, and that its removal would prevent the use of the kitchen (thereby making the Lounge unviable and resulting in its closure). I acknowledge that the Lounge is clearly valued by many, as is demonstrated by the petition before me, and consequently it has a value to the community and character of the area beyond its physical fabric. I further accept that there are financial pressures on public houses generally which in certain cases render their continued operation challenging.
14. However whilst the appellant has stated that it would not be feasible to install an extraction duct of different design or in a different location on account of the internal arrangement of the property, this is not supported by robust evidence. There is no detailed consideration of the relevant health and safety requirements before me, nor evidence to demonstrate that compliance therewith could not be achieved by alternatively designed or situated extraction equipment.
15. There is no thorough evidence before me as to any alternatives that have been considered and discounted to enable me to determine whether the existing extraction duct is the sole means of enabling the continued use of the kitchen of the property, or indeed evidence related to the disruption or cost involved in alternative approaches. There is moreover no methodological evidence related to the effect that the removal of the extraction duct would have on the viability of the public house.
16. There is some ambiguity in the information before me as to the duration for which the extraction duct has been present.² Nevertheless the absence of complaints for a certain period of time in relation to development does not obviate the need to apply for planning permission, which must necessarily be determined in accordance with the development plan unless material considerations indicate otherwise.³
17. Given the paucity of the evidence before me, I can only accord the public benefits of the extraction duct limited weight. I therefore conclude that the development fails to preserve or enhance the character or appearance of the Stoke Conservation Area and that the public benefits associated with it do not outweigh the clear harm caused. The development therefore conflicts with the relevant provisions of policy CS03 and CS02 of the Core Strategy, the development plan taken as a whole, and with the relevant elements of the Framework. Accordingly I conclude that the appeal should be dismissed.

Thomas Bristow

INSPECTOR

² The appellant's appeal statement indicates that the duct 'was in place for 18 months before any objection was raised', whereas the application form indicates that the duct was instead installed on 1 March 2016 and therefore at the time of my site visit would have been present for just over 12 months.

³ With reference to Section 57 of the Town and Country Planning Act 1990 as amended and Section 38(6) of the Planning and Compulsory Purchase Act 2004 as amended.