



Appeal Decision

Site visit made on 29 June 2020

by Graham Chamberlain BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27th August 2020

Appeal Ref: APP/N5090/Y/19/3239705

Everyman Cinema, Great North Road, Underhill, Barnet EN5 1AB

- 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 Everyman Group against the decision of the Council of the London Borough of Barnet.
 - The application Ref 19/1100/LBC, dated 22 February 2019, was refused by notice dated 23 April 2019.
 - The works proposed are described as 'painted mural to rear elevation'.
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Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is whether the proposed works would preserve the Grade II listed building known as the Everyman Cinema (listed as the Odeon Cinema, Great North Road) or any features of special architectural interest that it possesses.
3. The appeal building, which was listed in 1985, dates from 1934 and was originally intended to be constructed as a large County Cinema. It was however, taken over by Odeon before it was completed.
4. The building has a striking frontage that combines a rendered rounded centrepiece, Moorish-style lancets and Art-Deco features such as the heavy timber entrance doors and geometric ornamentation. The cross patterned diaper work provides relief to the brick towers and the symmetry a polite and unifying composition to the elevation. This affords the front of the building considerable aesthetic value. In contrast the side and rear elevations have a simpler, more functional appearance that is dominated by the generally unrelieved brickwork, some of which has been painted over. The simple utility of these elevations serves to enhance the entrance to the building as a focus point and reinforces the function of the building as a large cinema.
5. The comparative grandness of the cinema relative to nearby buildings, and the cosmopolitan architectural influences, result in it being an imposing and prominent landmark structure. It is likely that this was a specific design aim to achieve a sense of luxury and glamour, with the exotic detailing reinforcing the escapism and excitement often associated with going to the cinema.
6. Given the above, the significance/special interest of the listed building, in so far as it relates to this appeal, is primarily associated with the function of the

building as a cinema and the original architectural approach and styling that was employed to reinforce this.

7. The proposed mural would depict characters and references from 1990s cinema. The appellant advises that the principal target market for the cinema is patrons who would be particularly familiar with this age of cinema. It would be located on the rear elevation of the building out of view from the street scene. Therefore, it would not compete with or interrupt views of the important front elevation. That said, the mural would be a large feature covering the entire rear elevation. It would therefore be overpowering. In addition, the artwork would present a busy and gritty street art aesthetic that would jar with the polite composition of the front elevation and the art deco styling. It would also undermine the hierarchy of the elevations, with the sides and rear areas being more utilitarian. As such, the mural would not be in keeping with the building and this would harm its overall significance.
8. The appellant has suggested that the works are reversible and that the permission could be time limited. However, once painted there would be little incentive in the future to reverse the impact and erase the mural. Moreover, there is no compelling reason to permit temporary harm to the listed building and the impacts do not need to be trialled to be properly understood.
9. Nevertheless, the works would unify the differing finishes on the elevation and the location of the mural on the rear of the building, which has already been partially painted and is of reduced architectural significance due to its functional appearance, would lessen the impact on the building's special interest. This would be the case even though the mural would be visible from the railway line, as this was unlikely to be an important view of the building when originally designed. Moreover, the mural would reference cinema from the 1990s and therefore it would respond to and reinforce the historic (and current) function of the building in an original and playful way. I accept the Council's point that it may not be apparent to those unfamiliar with 1990s cinema that the mural is referring to films, especially as some references are quite niche, but that could be the case with any mural focussed on any one period of cinema. These points reduce the harmful impacts caused by the size and design of the mural to a low order, but it would not extinguish them.
10. In conclusion, the works would modestly harm the special interest of the listed building. In so doing it would fail to preserve it, contrary to the expectations of The Planning (Listed Buildings and Conservation Areas) Act 1990 (the 'Act'). It would similarly be at odds with the expectations of Paragraphs 193 and 194 of the National Planning Policy Framework (the 'Framework').

Other Matters

11. Council Officers originally recommended the works for approval, and I have carefully considered their reasons why. There were also no public objections. However, I have come to my own conclusions for the reasons given.
12. Applications for listed building consent are not subject to Section 38(6) of the Planning and Compulsory Purchase Act 2004 and therefore development plan policies do not carry the same weight as when considering planning applications. Nevertheless, I note that the proposed works would be contrary to Policy 7.8 of the London Plan 2016, Policies CS1 and CS13 of the Local Plan Core Strategy Development Plan Document 2012 and Policy DM01 of the Local

Plan Development Management Policies Development Plan Document 2012, which seek to ensure works to listed buildings preserve them. The proposal would also be at odds with Policy HC1 of the emerging London Plan.

Heritage Planning Balance

13. The harm that would occur to the special interest of the listed building would not be severe and therefore it would be 'less than substantial' within the meaning of the Framework. Paragraph 196 of the Framework requires such harm to be weighed against the public benefits of the proposal. However, less than substantial harm should not necessarily be equated with less than substantial planning objection, especially where the dual statutory tests have not been met.
14. That said, there have been some instances of graffiti on the rear elevation of the listed building. Painting the mural may discourage graffiti in the future as the elevation would no longer have a blank façade. This may rightly be considered a public benefit in accordance with the heritage balance expected in the Framework. However, the evidence before me does not indicate how extensive or frequent the graffiti has been in the past and therefore whether it is a problem of note. Moreover, there are other means of securing the site against anti-social behaviour, such as CCTV cameras and gates. There is also traction to the Council's points that the street art styling of the mural could encourage further graffiti and painting the entire elevation is an excessive means of preventing graffiti on part of it. Overall, this is not a strong point in favour of the proposal.
15. The appellant has suggested that the mural will advertise the cinema, and this is important to the viability of the business, the town centre, night-time economy and the provision of support to the cultural and creative industries. Retaining the cinema would indeed be positive for both the building and the local economy. However, substantive evidence has not been provided demonstrating that the cinema has suffered for lack of a mural/advert to the rear. Moreover, it may be possible to advertise the cinema from the rear without a large and busy mural. For example, the 'Odeon' sign was previously painted on the building.
16. Thus, when giving considerable importance and weight to the special regard I must pay to preserving the listed building (section 16(2) of the Act), I find that the overall harm that would arise from the proposal would not be outweighed by its limited public benefits. Accordingly, there would be a conflict with Paragraph 194 of the Framework as harm to a designated heritage asset would not have clear and convincing justification.

Conclusion

17. Given the above, I conclude that the works would fail to preserve the listed building. There are no other considerations or public benefits that would outweigh this harm. It would therefore fail to satisfy the requirements of the Act, the Framework and development plan policies insofar as relevant. Accordingly, for the reasons given, the appeal has failed.

Graham Chamberlain
INSPECTOR