

Appeal Decision

Site Visit made on 18 May 2021

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2021

Appeal Ref: APP/B1930/W/21/3269374

The Great Northern PH, 172 London Road, St Albans, AL1 1PQ

- 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 Mr McGowan (McGowan Property Investments LLP) against the decision of St Albans City Council.
 - The application Ref 5/20/1027, dated 4 May 2020, was refused by notice dated 21 August 2020.
 - The development proposed is described as construction of three-storey building to create 3 x 1-bedroom and 2 x 2-bedroom flats with associated access and partial change of use of public house garden to Class C3 (residential).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Both main parties have referred in their submissions to earlier applications and a previous appeal on this site. However, only limited information regarding these earlier proposals has been submitted in evidence. Accordingly, I have determined this appeal on its own merits.
3. I have amended the description of development to omit the reference to a previous application on the site as this is a more precise description of the proposed development.

Main Issues

4. The main issues are:
 - Whether the development would preserve or enhance the character or appearance of the St Albans Conservation Area,
 - The effect on the living conditions of neighbouring occupiers, in particular those at Nos 2 and 4 Alma Cut; and,
 - The effect on the ongoing viability of the Great Northern Public House.

Reasons

Conservation Area

5. The appeal site lies within the St Albans Conservation Area (the CA), specifically within the London Road character area. The Conservation Area Character Statement (the Statement) describes this character area as being of mixed character with a great mixture of buildings representing many building periods from the early nineteenth century onwards and representing different

building types and uses. The Statement also refers to the mix of commercial and residential premises found along London Road, and states that much of the built environment and the street plan is a legacy of the Victorian era and therefore retains much of its Victorian character. I see no reason to disagree with the Statement's assessment of the area and find that this mixed character contributes to the overall significance of the CA, which derives in part from the mix of buildings and historic pattern of development. In accordance with the statutory duty set out in the Planning (Listed Buildings and Conservation Areas) Act 1990 I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. The appeal site lies in a broadly commercial area of London Road, although there is residential development along Alma Cut to the rear, on the far side of the neighbouring public house and alongside and behind the petrol station opposite. As the garden to the public house, the appeal site forms much of a sizable gap in the street scene, especially in the context of the neighbouring cinema building which presents a broad and unbroken frontage to London Road and leads into a long row of commercial properties with little or no gap between buildings. The appeal proposal, due to its height and width, would almost completely fill this gap.
7. The proposed building would be set back from the front elevation of the cinema and has been reduced from previous submissions. It would be less intrusive in the street scene as a result. However, even with this reduced form the building would be cramped on site, taking up the full width of the garden within the street scene and only leaving a relatively narrow gap to the public house. This substantial reduction in spaciousness within the street scene would be harmful to its overall character.
8. The appearance of the building draws from the art deco appearance of the adjacent cinema. However, the building would be a plain and boxy structure and due to its height and depth its presence would detract from the setting of the public house, the cinema and the neighbouring properties on Alma Cut, which are locally listed buildings that make significant contributions to both the character and appearance of the CA. While the use of appropriate materials may soften the building's appearance somewhat, this would not be sufficient to offset the harm arising from the size of the building.
9. A new residential development has been built out on the opposite side of the road, including a three-storey element fronting onto London Road of contemporary appearance. However, that part of London Road comprises primarily newer development, including the large and prominent form of the petrol station. It is very different in character to the area around the appeal site, so that approved development carries limited weight in the determination of this appeal.
10. The appeal proposal would therefore fail to preserve or enhance the character or appearance of the CA. it would conflict with Policies 2, 4, 69, 70, 85 and 87 of the St Albans District Local Plan Review 1994 (the LP). Collectively these policies require that development achieves a high standard of design and the proposal enhances or preserves the appearance of the CA.

Living conditions

11. The proposed building would be a large and prominent feature in the outlook from the residential properties on Alma Cut, in particular the closest houses at Nos 2 and 4. While it would be seen in the context of the neighbouring cinema, which presents a large and mainly featureless wall towards the appeal site, the proposed building would be a much closer and more imposing feature that would result in an overbearing impact to neighbouring occupiers.
12. The development would not result in an unacceptable loss of natural light to the neighbouring properties. However, the absence of harm on this point does not prevent the appeal proposal from causing unacceptable harm to the outlook from those properties.
13. The appeal proposal would therefore result in unacceptable living conditions for neighbouring occupiers. It would conflict with Policy 70 of the LP, the requirements of which include that the massing and siting of buildings shall create safe, attractive spaces of human scale.

Viability

14. My colleague Inspector, in determining the previous appeal on this site, did not find that any harm would result to the viability of the public house. However, this was not one of the main issues in that appeal and little or no evidence appears to have been provided for the Inspector to draw any conclusions from.
15. The ongoing COVID-19 pandemic has resulted in the temporary closure of many hospitality venues. However, at the time of writing this decision the restrictions are beginning to lift and public houses are free to reopen both inside and out. While the appeal site is subject to a separate lease to the public house, I would nevertheless expect it to remain in use as the pub garden so long as the public house remains viable unless an alternative use can be found for it.
16. I would further expect a public house offering outdoor space to be more attractive to customers than one without, especially in light of the recognised lower rate of transmission of COVID-19 among people gathering outside as opposed to those gathering inside. While the long-term future of many public houses is in question as a result of the pandemic, I consider that the substantial reduction of the pub garden that would result from the appeal proposals would be likely to result in additional harm to the ongoing viability of this public house.
17. The proposed development would therefore conflict with the National Planning Policy Framework (the Framework) which requires that planning decisions plan positively for the provision of community facilities such as public houses to enhance sustainability of communities and residential environments and guard against the unnecessary loss of valued facilities and services.

Planning Balance

18. The harm from the failure to preserve the character or appearance of the CA would be experienced mainly in the immediate setting of the appeal site. Given the extent of the CA, this would amount to less than substantial harm when weighed against the significance of the CA as a whole.

19. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the assets' conservation irrespective of whether any potential harm amounts to less than substantial harm. In addition to that great weight, I have found that the development would be harmful to the living conditions of neighbouring occupiers, and this also attracts great weight. With regard to the effect on the viability of the public house I find that this attracts moderate weight, as the development would not result in the outright loss of this facility.
20. Set against this harm, the appeal proposals would result in the creation of five new dwellings in a sustainable location close to the city centre, supporting the Government's objective of significantly boosting the supply of homes. This attracts additional weight as the Council cannot demonstrate a five year supply of housing land and has failed to meet the requirements of the most recent Housing Delivery Test.
21. However, the appeal proposal would result in harm to the significance of the CA. There is therefore no presumption in favour of sustainable development as the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed. The cumulative harm arising from the proposed development would, in this instance, outweigh the benefits that would result from it.
22. There are therefore no material considerations to indicate that this appeal should be determined other than in accordance with the development plan.

Conclusion

23. For the reasons set out above, the appeal fails.

M Chalk

INSPECTOR