



Appeal Decisions

Site visit made on 22 September 2023

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2023

Appeal A Ref: APP/N1540/W/22/3312579

The Red Lion Public House, Potter Street, Harlow, Essex CM17 9AH

- 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 Star Pubs and Bars Limited against the decision of Harlow District Council.
 - The application Ref HW/FUL/22/00418, dated 13 September 2022, was refused by notice dated 4 November 2022.
 - The development proposed is refurbishment of the interior of the premises at ground floor level and external alterations to add new raised timber decking, new steps, new festoon lighting and new post and rope fencing to front area.
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Appeal B Ref: APP/N1540/Y/22/3312578

The Red Lion Public House, Potter Street, Harlow, Essex CM17 9AH

- 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 Star Pubs and Bars Limited against the decision of Harlow District Council.
 - The application Ref HW/LBC/22/00419, dated 13 September 2022, was refused by notice dated 4 November 2022.
 - The works proposed are refurbishment of the interior of the premises at ground floor level and external alterations to add new raised timber decking, new steps, new festoon lighting and new post and rope fencing to front area.
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Decision

1. Appeals A and B are dismissed.

Preliminary Matters

2. The appeals concern works and development to The Red Lion Public House, (the Red Lion) a Grade II listed building (List Entry Number: 1111659) listed on 19 June 1981. I am therefore mindful of my statutory duties in respect of 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. These decisions address both planning and listed building consent appeals for the same site and same scheme. Although the remit of both regimes is different, in order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision.
4. The National Planning Policy Framework (the Framework) has been updated on 5 September 2023, and after the submission of the appeals. The historic environment policies have remained unchanged within the updated version of the Framework which is a material consideration.

Main Issues – both appeals

5. The main issues are whether the proposed works and development would preserve the special interest of the Grade II listed building or any features of special architectural or historic interest that it possesses.

Reasons

6. The Red Lion is a handsome late 19th century and visually strident building that sits amongst the surrounding post-war housing of Harlow. Built originally as a hostelry, the central door and large semi-hexagonal bay windows either side and L plan belies its function which remains the same today. The significance and special interest of the listed building is largely derived from its age, architectural detailing including its fenestration, materials and historic plan form. There is clearly defined symmetry to the listed building with its central main entrance and windows either side, and position of tall chimney stacks.
7. The Red Lion displays traditional characteristics redolent of a public house of that era. It sits back from the main road in front of a large external hardscaped forecourt that wraps around the front and part of the side of the public house largely in a curved shape. In this context, the large undeveloped and unenclosed space contributes positively to the setting of the heritage asset by allowing the listed building to be appreciated.
8. The appeal concerns works and development to both the internal of the public house as well as external works to the forecourt area. Part of this external space would be laid out as a formal beer garden style area with tables and chairs. Due to the land levels within the forecourt area, directly outside the front façade of the public house a raised decking area organised in an irregular shape would be installed and enclosed by vertical timber balustrade posts. It would include steps leading to the lower level. This lower area would be enclosed by a timber post and rope boundary treatment following the perimeter of the public footpath with gap for pedestrian access from the public footpath. High timber poles would support festoon lighting.
9. The internal works would comprise new floor covering to replace modern surfaces, and decoration largely throughout, new shelving and new semi-circular seating within a window area as well as a low dividing wall between rooms. The Council has not objected to these internal works subject to the imposition of appropriate planning conditions. From my own assessment of the works and development, I consider I have no reason to come to a different view other than that of the Council's. This is because the works and development consist of modern redecoration and works that do not adversely affect the integrity of the listed building. I consider these works could be appropriately furnished with planning conditions to meet the requirements of paragraph 56 of the Framework.
10. The external proposed works and development would encompass a substantial proportion of the hardstanding area by extending from the very front of the public house to the public footpath. Its projection across the width of the heritage asset would extend from the far north corner but would stop short across approximately two thirds of the adjacent bay window. This arrangement would be further emphasised by the location of the formal boundary treatment running perpendicular to the listed building, intended to demarcate this space from the remainder of the open forecourt.

11. Fenestration is often amongst the most prominent features and an integral part of the design of a listed building. The two ground floor bay windows are visually striking and clearly apparent when passing the site from Potter Street and are a significant feature of the heritage asset and contributes to its special interest. Very limited permanent paraphernalia is present to the front forecourt of the building and therefore these windows are fully revealed as an important feature that contributes to its special interest and significance. Indeed, the front façade as the principal elevation remains largely intact. The proximity of the raised decking area to the listed building's front façade, combined with its height, the close spacing of the timber balustrade and the number, positioning and height of the festoon poles would partially screen the bay windows and that front façade. This screening would materially affect how key elements of the listed building would be experienced in views from Potter Street. Moreover, those parts of the proposal would visually compete and divert attention from those key elements.
12. Furthermore, the layout of the external space would not reflect the traditional symmetry that forms an important characteristic of the listed building and part of its architectural interest. Therefore, the lack of symmetry that would arise would imbalance the proportions of the listed building, made more severe by the off-centre position of the dedicated pedestrian gap through the post and rail enclosure into the forecourt directly off the public footpath.
13. As a whole, the works and development would not preserve the special architectural and historic interest of the Grade II listed building, therefore the expectations of the Act would not be met.
14. Paragraph 199 of the Framework advises that 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. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Where a proposal will lead to less than substantial harm to the significance of a designated asset, Paragraph 202 of the Framework requires the less than substantial harm be weighed against the public benefits of the proposal, including where appropriate, securing the optimum viable use. Bearing in mind the scale and nature of the proposals, I judge that the degree of the harm to the significance of the listed building would be less than substantial.
15. When considering the merits of the benefits of the proposal, I note the appellant states they would financially invest in the public house to 'rejuvenate' the premises and I could see that internally it requires some updating which would be a public benefit. However, I apply moderate weight to this although that is not to say that some of these works are entirely reliant on the totality of the scheme before me. There is no substantiating evidence before me to demonstrate that these works and development would attract more custom to drive up revenue and enhance its viability and this is especially noted as there is a beer garden to its rear. Furthermore, there are no details to demonstrate the heritage asset is not financially viable in its current form. Overall, the public benefits identified do not lead me to conclude favourably on the scheme.
16. Even though I have found that the harm to the heritage asset is less than substantial, there is little before me to justify the proposals as causing the

minimum impact to achieve them. Therefore, in the absence of sufficient public benefits that would outweigh the harm identified, I conclude that the proposals as a whole would fail to preserve the special historic and architectural interest of the listed building in accordance with the Act. It would not meet the historic environment safeguarding objectives of the Harlow Local Development Plan, December 2020 as well as the same aims of the Framework that seeks to conserve the historic environment.

Conclusion

17. The works and development would fail to preserve the listed building. For the above reasons and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Alison Scott

INSPECTOR

