



Appeal Decision

Site visit made on 3 June 2024

by A Hickey MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th July 2024

Appeal Ref: APP/B1930/W/23/3329355

6 High Street, Harpenden AL5 2TB

- 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 Mr Laurence Pateman of Oakman Inns (P&E) Ltd against the decision of St Albans City Council.
 - The application Ref is 5/23/0254.
 - The development proposed is change of use to sui generis public house with extended food offering, second floor rear extension, open roof terrace and associated infrastructure, new openings and alterations to openings, new air conditioning plant, extractor duct, pizza oven flue and ventilation cowl.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the amended description of development above from the decision notice as agreed between the main parties albeit I have removed superfluous wording.
3. During the appeal, the National Planning Policy Framework (the Framework) was revised. Both parties, within their respective submissions had an opportunity to comment on the revised Framework. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.

Main Issue

4. The main issue is the effect of the proposed development on the significance of 6 High Street (No 6) as a non-designated heritage asset (NDHA) and whether it would preserve or enhance the character or appearance of the Harpenden Conservation Area (HCA).

Reasons

5. Paragraph 209 of the Framework requires the effect of an application on the significance of a non-designated heritage asset to be taken into account when determining the application. A balanced judgement is required regarding the scale of any harm and the significance of the heritage asset.
6. No 6 to the front, facing High Street, is a 2.5-story Arts and Crafts style building. To the rear is a substantial two-storey flat-roofed extension of more modern construction. The appeal building occupies a somewhat prominent position given the front elevation of the adjacent public house (The George) is

further set back from the road allowing for greater views of the front and side elevations and roof profile of No 6. The significance of No 6 as an NDHA is largely derived from its shared commercial architecture and relationship with nearby buildings, to which its surviving historic fabric, pleasing architectural composition, detailing and use of traditional materials all positively contribute. Despite the scale of the later rear extension, its flat roof profile, including the stairwell section, allows the prominent form of the original building to be read.

7. The appeal site is located within the HCA. As such, I have had regard to the statutory duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
8. The significance of the CA, and particularly this part in which the appeal site is located, is varied. On High Street, the historic layout forms part of a busy vibrant town centre with buildings of up to three storeys constructed in traditional materials with varying roof types along a linear building pattern fronting the road. To the rear, development reduces in scale before opening onto Leyton Green which has a verdant and tranquil character in contrast to the more bustling high street to the front of the appeal site.
9. The proposed development has sought to overcome the Council's concerns following the refusal of a previous iteration. Indeed, the Council acknowledge that elements of the proposed scheme are well considered and would enhance the original architectural features of the building particularly on the front elevation. Nonetheless, the Council still have concerns relating to the second-floor extension and roof terrace.
10. The roof terrace would be sited above the more modern flat roof extension with a stairwell positioned at either end. The roof terrace will have the form of a pergola-like structure being set in from the flank walls behind a glazed balustrade between the two staircase enclosures.
11. During my visit, I observed many of the proposed materials to be used in the construction of the development can be found in the surrounding area such that they would have a softening effect. However, despite having some lightweight elements and being set in from the flank walls of the extension, the staircase structures, in combination with the roof terrace, would add significantly to the bulk and massing at the rear of the building.
12. While noting the findings of the appellant's LVIA¹. The development would be readily visible from a range of public vantage points at the rear and from some views along High Street, emphasising its scale and massing within the immediate area. While nearby trees, when in leaf, would obstruct some views, there would be long periods, especially during winter months, when this would not be the case. The proposal would, therefore, where visible contrast awkwardly with the primarily smaller-scale development at the rear surrounding Leyton Green.
13. The Council have also raised concerns that the use of the roof terrace would introduce activities that are harmful to the character of this part of the HCA. While not explicitly set out in the Council's officer report, activities can cover a broad range. This can include noise and lighting, amongst other matters.

¹ Landscape And Visual Impact Assessment prepared by James Blake Associates dated 02/2023

14. At the time of my site visit, there was no evidence to suggest that similar levels of rooftop use to those proposed take place in the immediate area. I also observed nearby uses, such as public houses, incorporated lighting, but these appeared angled downward and onto building facades rather than rooftops.
15. The proposed use of the rooftop terrace would have the potential to generate a different and more intensive level of activity than currently occurs. Particularly as the roof terrace, as shown on the plans provided, could accommodate a significant number of people in what is likely to be a loud jovial environment. The noise and activity would also be more pronounced as rooftop lighting would be required to illuminate the terrace. As such, I find that the likely intensity of use in this rooftop location would result in unacceptable harm to the more placid character of the HCA at the rear of the appeal building.
16. The harms identified above would not affect a significant proportion of the HCA. However, this does not overcome the need to preserve or enhance the character or appearance of the HCA or prevent harm to the significance of the appeal building as an NDHA.
17. For the purposes of the Framework, the HCA is a designated heritage asset. The proposal would lead to less than substantial harm to the significance of the HCA. The Framework indicates that such harm is to be weighed against the public benefits of a proposal. However, great weight should be given to an asset's conservation.
18. There would be modest social and economic benefits arising from employment and linked visitor footfall and spending. The scheme would add to the overall vitality and viability of the town centre post the Covid-19 pandemic, offering an alternative public house with extended food offerings while improving the façade of the building facing High Street. These would accord with the aims of the Harpenden Neighbourhood Plan (HNP) which seeks an accessible, thriving, vibrant and attractive Town Centre.
19. The proposal would also offer some additional security on the nearby alley between No 6 and The George. However, there is no substantive evidence before me to demonstrate crime is prevalent in this area. This benefit, therefore attracts little public benefit.
20. The appellant noted that local charities would be supported throughout the year, and free internet access would be provided that would benefit new start-up businesses. While these are benefits, free internet access is common in many establishments, and there are no firm details on local charities to be supported. These benefits, therefore attract little public benefit.
21. When considered together, the above public benefits can only be attributed moderate weight. Conversely, the less than substantial harm to the heritage assets should be afforded great weight, in line with the provisions of the Framework. The modest public benefits of the proposed development would not outweigh the less than substantial harm that would be caused.
22. Consequently, the proposal would have a harmful effect on the significance of No 6 as an NDHA and would not preserve the character and appearance of the HCA. The development would therefore be contrary to Policies 69, 85 and 87 of the St Albans District Local Plan Review and the HMP. Amongst other things, these seek to ensure that features of NDHAs are preserved and that proposals

preserve or enhance the CA and are of an overall character that complements its surroundings. The proposal would also conflict with the provisions of the Framework, in regard to achieving well-designed places and conserving and enhancing the historic environment.

Other Matters

23. The appellant has suggested that should the appeal fail, the need for the provision of outdoor seating would result in the appeal building being sold and becoming vacant. However, there is little evidence before me to demonstrate that the scheme would be unviable without access to outdoor seating or that the building would remain vacant long-term. These matters do not lead me to reach a different conclusion on the harms above.
24. The appellant has referred to discussions held with the Council at pre-application stage and the Council's Conservation Officer. However, pre-application decisions do not represent formal planning decisions. Moreover, how the Council utilises the expertise of their heritage officer is not for me to determine. The officer report and decision notice clearly set out the Council's concerns and I have considered the appeal on its own individual planning merits.
25. The appellant has highlighted that there is no objection with regard to noise from the Council's Environmental Health Officer. However, this relates to a statutory noise nuisance and not the surrounding characteristics of the HCA.

Conclusion

26. The proposal conflicts with the development plan when taken as a whole and there are no material considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.
27. Therefore, I conclude the appeal should be dismissed.

A Hickey

INSPECTOR