



Appeal Decision

Site visit made on 11 November 2025

by **H Marriott MPlan MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th November 2025

Appeal Ref: APP/B1930/W/25/3371256

144 London Road, St Albans, Hertfordshire AL1 1PQ

- 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 Ansar Miah against the decision of St Albans City and District Council.
 - The application Ref is 5/24/2098.
 - The development proposed is described as 'on the property there has been a flue added to the side of the building'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the banner heading omits reference to a letter referred to in the application form, as this does not form part of the description of development. During my site visit, I observed that a flue has been erected on the side of a rear section of the building. I have considered the appeal on this basis.
3. In considering whether to grant planning permission, I have been mindful of my statutory duties under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
4. The Council refer to an emerging Local Plan. However, I have little information to suggest when the plan is likely to be adopted, if any policies have been modified, or if there are any unresolved objections. I have not therefore referred to it in my determination, and my decision is based on the policies referred to in the Council's decision.

Main Issues

5. The main issues are:
 - whether the development preserves or enhances the character or appearance of the St Albans Conservation Area (CA); and
 - the effect of the development on the living conditions of neighbouring occupiers with particular regard to odour, noise and disturbance.

Reasons

Character and appearance

6. The CA designation encompasses the core of the city of St Albans and its surrounding areas. Its special interest derives from the diversity of the built

environment, which reflects layers of historical development. The range of building styles, uses and history are among the key components that contribute to the significance and special interest of the CA as a whole.

7. The appeal site, 144 London Road (No 144) is a two-storey, gable fronted property with a modern shopfront at ground floor level and residential accommodation above. It backs onto the rear gardens of dwellings along Paxton Road and sits between an adjoining terrace and 146-148 London Road (Nos 146-148). The character of this part of London Road is informed by the varied age, architectural style and mixed uses of buildings fronting the main route into the city centre. No 144 contributes to the variety of buildings along London Road and has a neutral effect on the significance of the CA.
8. The stainless-steel extractor flue, incorporating silencers, an extractor fan and a weather cowl, extends across the first and second-floor of the building, with its upper section projecting above eaves level. Its contemporary, utilitarian appearance contrasts sharply with the traditional brickwork and form of section of building on which it is mounted. In addition, its size and positioning add to visual clutter at the rear of No 144, where another flue and an external staircase are already present, resulting in a visually incongruous feature within the locality. Although it is not visible from London Road, the flue can be seen from the rear of No 146-148, from residential accommodation above No 144, and is likely to be glimpsed from the rear of some properties along Paxton Road.
9. Overall, the development fails to preserve or enhance the character or appearance of the CA and fails to accord with the statutory presumption under s72(1) of the Act. Given the scale and nature of the proposal, the degree of harm to the significance of the CA is at the lower end of less than substantial. Paragraph 215 of the National Planning Policy Framework (the Framework) states that this harm should be weighed against the public benefits of the proposal.
10. The appellant indicates that the flue is required for the operation of the restaurant/takeaway business which provides employment and contributes to the local economy. These are public benefits. However, there is no substantive evidence before me to indicate that alternative solutions could not be utilised. For example, a smaller flue and/or a flue finished in more muted colour tones to blend with the building. Accordingly, the public benefits have modest weight.
11. The Framework indicates great weight should be given to the conservation of a designated heritage asset. I find that the modest public benefits are not sufficient to outweigh the less than substantial harm identified, leading to conflict with the historic environment protection policies of the Framework.
12. I conclude that the development results in a harmful effect on the character and appearance of the CA. In this regard, the development conflicts with Policies 69 and 85 of the City and District of St Albans District Local Plan Review (1994) (LPR) which require development to take into account the scale and character of its surroundings and to be sympathetic to the conservation area as a whole.
13. While the Council's decision refers to Policy 72 of the LPR, this relates to extensions in residential areas. As the appeal proposal is not for an extension, this particular policy is not determinative in this case.

Living conditions

14. The flue is located close to several dwellings, including the residential accommodation above the appeal premises and Nos 146-148. The appellant has submitted a plan titled 'Noise Assessment', which indicates that at 1.5 metres above ground level, the flue generates a noise level of 79 dB at a distance of 6.5 metres away from the flue, and 75 dB at 3.5 metres away.
15. The Council raises concern about the accuracy of this data, noting that noise levels appear to increase with distance from the flue. In the absence of a full noise assessment undertaken by an appropriately qualified acoustic professional, I share the Council's concerns. Although the flue is fitted with a silencer and background traffic noise is audible, the evidence before me, which includes concern raised by a neighbour, does not demonstrate that any noise from the flue when in operation would be at an acceptable level or below background noise levels at all times of the day and night.
16. The appellant confirms that odours are controlled by a carbon box. However, the Council's Environmental Health team highlights only limited technical information has been provided to show that odour is adequately managed.
17. Unacceptable noise or odour could result in significant adverse impacts on the health and the quality of life of neighbouring occupiers. In the absence of a comprehensive noise survey and further odour information, it is not possible to establish whether existing levels are acceptable or whether additional mitigation measures are required, and if so, whether they could be achieved. On this basis, the imposition of conditions would not provide me with sufficiency certainty that any potential harmful effects could be appropriately mitigated.
18. I conclude that it has not been demonstrated that the development does not have a harmful effect on the living conditions of neighbouring occupiers with particular regard to odour, noise and disturbance. While I do not consider Policy 72 of the LPR, referred to on the Council's decision, to be directly relevant to the appeal proposal, this does not render the development acceptable. The development still conflicts with Paragraphs 135 and 198 of the Framework which require decisions to secure a high standard of amenity and ensure that development is appropriate for its location, taking into account the likely effects on living conditions.

Other Matters

19. During my site visit, I observed a flue to the rear of 142 London Rd. The Council confirms that planning permission for a flue at this location was refused¹, but acknowledges that the passage of time may now preclude enforcement action. It should not, therefore, be regarded as setting a precedent. Nevertheless, that flue is finished in a muted tone that blends with its brickwork backdrop, making it noticeably less incongruous than the appeal proposal.
20. I also observed a number of other flues to the rear of London Road, including those visible from Watsons Walk. The Council suggests that these flues may not benefit planning permission. Even if they did, the examples that I saw confirm that prominently located flues represent a negative characteristic of the area and do not

¹ Council reference 5/2006/1131

serve to justify the appeal proposal. In any event, I have considered the appeal proposal on its own merits and site-specific circumstances.

21. It is understood that the appellant was unaware that planning permission was required. While I acknowledge the steps taken to address this and note their frustrations regarding the timings of being informed about potential odour issues, these matters do not alter my decision. The appeal has been determined on its planning merits, having regard to the development plan and the Framework.

Conclusion

22. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

H Marriott

INSPECTOR