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# Appeal Decision

Site visit made on 30 June 2014

**by Louise Crosby MA MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 July 2014**

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**Appeal Ref: APP/B1930/A/14/2212967**  
**50 High Street, Redbourn, St Albans, AL3 7LN**

- 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 Barnes against the decision of St Albans City & District Council.
  - The application Ref: 5/13/1443, dated 4 June 2013, was refused by notice dated 31 July 2013.
  - The works proposed are a rear vertical extract flue with proposed brick slip cladding.
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## Decision

1. The appeal is dismissed.

## Procedural matters and background

2. In 2011 the Council granted planning permission for the change of use of the ground floor of No 50 from class A3 (café) to class A5 (hot food takeaway). This was subject to planning conditions, one of which required the submission of flue details to ensure that the works preserved the special architectural or historic interest of the building.
3. A fish and chip shop business is being run from the premises. I am aware from the file and my visit to the site that the flue has already been installed, but the proposed brick slip cladding has not been attached. I shall deal with the appeal on this basis.

## Main Issues

4. The main issues are whether the alterations that have been carried out
  - i) preserve the special architectural or historic interest of the building which is listed, grade II and if not whether the proposed brick slip cladding would remedy the situation; and
  - ii) preserve or enhance the character or appearance of Redbourn Conservation Area.

## Reasons

5. The appeal premises are situated on a mainly commercial street, although there is living accommodation above No 50 and to the rear there are residential flats. It is from the parking and turning area for these flats that the flue is most visible.

6. The timber frame of the building dates from the 16<sup>th</sup> Century, or earlier. It has an early 19<sup>th</sup> Century painted brick front and a plain tile roof. The flue is attached to a slender rear off-shoot. The flue is higher than the ridge of the building and it is also very bulky. It leaves the building through a modern first floor window and then bends and passes vertically up the exterior of the building, between a first floor door and window. It is attached to the fabric of the building. Compared to the size and proportions of the building and in particular the rear elevation of the off-shoot, the flue appears extremely large and dominant, despite being painted brown. I have technical evidence before me which shows that if the flue were to be made slimmer other problems would occur, such as an increase in noise. This would be unlikely to be acceptable so close to residential properties.
7. The appellant has offered to clad most of the flue in a casing covered with brick slips. This would extend to ground level and so beyond the bottom of the flue. To my mind this would exacerbate the harm here as the 'chimney' would be greatly out of scale with the building. It would also be very difficult to obtain a good match with the building, particularly in terms of the colour and size of the brick slips as well as the coursing and bonding. Moreover, it would not conceal the very bulky lower section of the flue as it leaves the building. The flue currently has a significant detrimental effect on the significance of the listed building, which could not be remedied with cladding. Also, because of its appearance it fails to preserve the character and appearance of the conservation area.
8. Paragraph 134 of the National Planning Policy Framework (the Framework), advises that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, as is the case here, the harm should be weighed against the public benefits for the proposal, including securing an optimum viable use. The existing business provides a service and there are 2 letters of support from customers. In terms of the optimum use the appellant says that prior to this business taking over the premises the building had stood empty for many years. However, I have little evidence of why that was the case and whether that would still be the case now if it were to be marketed, including for other permissible uses.
9. Having a building in use is advantageous, but not if it necessitates harmful alterations, as in this case. While I realise most take-away businesses require a commercial flue, similar to that which has been installed here, I have little evidence of what other solutions have been investigated, other than modifying the existing flue. I appreciate the appellant has invested a significant amount of time and money in creating a successful business and this is dependent on having an effective extraction system. However, none of these other matters overcome the harm I have identified in relation to the main issue.
10. I find that the flue has a detrimental effect on the significance of the listed building and fails to preserve its special architectural or historic interest as required by section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act. The proposal would also fail to preserve the character or appearance of the conservation area. While this harm is less than substantial it is not sufficiently outweighed by any public benefits, including securing an optimum viable use, as required by the Framework. As such, the proposal conflicts with the aims of policy 86 of St Albans District Local Plan Review 1994.

11. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Louise Crosby*

INSPECTOR

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