
Appeal Decision

Site visit made on 22 June 2015

by **William Fieldhouse BA (Hons) MA MRTPI**

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

Decision date: 24 July 2015

Appeal Ref: APP/X5210/W/15/3005678

Ship Tavern, 12 Gate Street, London WC2A 3HP

- 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 Heineken UK Limited against the decision of the Council of the London Borough of Camden.
 - The application Ref 2014/4969/P, dated 1 August 2014, was refused by notice dated 15 January 2015.
 - The development was originally described as “new proposed stainless steel duct work to be erected to the side of the property as shown on drawings”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The definition of development set out in the header above is taken from the planning application form. However, the decision notice and appeal form both refer to “the installation of an extraction flue from the first floor side elevation to roof level of public house” which I agree is a clearer description of the proposal.
3. The appellant has suggested that the proposed flue could be housed in a cover using materials to match the building, or alternatively painted. It is also suggested that, if the appeal were to be allowed, a planning condition could be imposed to require the replacement of existing louvered windows in the first floor side elevation of the appeal property with traditional sash windows. However, neither the erection of housing around the flue nor the replacement of three windows were part of the proposal put forward in the planning application, and national Planning Practice Guidance advises that conditions should not be used to substantially modify a proposal. I have not, therefore, treated these additional developments as part of the proposal before me, although am satisfied that it would be reasonable to impose a condition in the event that the appeal were to be allowed requiring the proposed stainless steel flue to be painted.

Main Issue

4. The main issue is the effect that the proposal would have on the character and appearance of the Bloomsbury Conservation Area.

Reasons

Character and Appearance

5. The Bloomsbury Conservation Area within which the site is located covers around 160 hectares between Euston Road in the north and High Holborn and Lincoln's Inn Fields to the south. Formal landscaped squares and an inter-related grid of streets remain a dominant characteristic of the area as a whole. The area around the appeal site is busy and densely developed with buildings of varied age, size, height, materials and design situated along arterial routes, connecting streets and pedestrian passageways.
6. The Ship Tavern is an historic three storey building located at the point where Little Turnstile and the two limbs of Gate Street meet. These highly enclosed, well used walkways reflect the historic street pattern of the area and are defined by mainly 19th century commercial buildings. The appeal property comprises a public house on the ground floor with an ancillary restaurant and separate flat on the upper floors. Whilst affected by some modern alterations, including the insertion of the three louvered windows, the building's age, architectural features and use mean that it contributes positively to this part of the conservation area notwithstanding that it is neither listed nor specifically identified in the conservation area appraisal¹.
7. The proposed flue would replace a simple ventilation outlet on the first floor side elevation that currently serves the restaurant's kitchen. I am advised that the existing outlet and louvered windows do not meet current environmental health standards and result in grease and particulate matter being deposited on the external side wall of the appeal building, something that was evident at the time of my site visit. The proposed flue would be of standard design with a diameter of around 0.3 metres and a length of around 4.4 metres, and would extend from the first floor up the side elevation of the building to roof level above Little Turnstile.
8. The buildings along Gate Street and Little Turnstile abut the passageway, are generally much taller than the Ship Tavern, and in commercial use at ground floor level. Nearby on Little Turnstile are other cafes / bars, and a tall, black-painted flue extends up the side elevation of the six storey building directly opposite the side elevation of the appeal property. Whilst there are other additions to the outside of some nearby commercial buildings, including shopfronts, signs and air conditioning plant, no other large-scale external flues are currently a noticeable feature along the passageways. Furthermore, such plant that was apparent during my site visit tended to detract from the quality of the area.
9. The Council's conservation area appraisal and design guidance², whilst not ruling out additional external flues in the area, warn of the negative impact

¹ Bloomsbury Conservation Area Appraisal and Management Strategy (2011).

² CPG1: Design (2013) paragraph 11.12.

that they can have and advise that fewer external solutions are likely to be appropriate.

10. Notwithstanding the elevated position of the proposed flue and the enclosed nature of the passageway within which it would be located, it would be visible to pedestrians approaching along Little Turnstile from the north and from Gate Street to the south, albeit from a limited number of vantage points. From these perspectives the proposal would appear as an obtrusive utilitarian feature on the currently simple side elevation of the historic and attractive building. Whilst painting the flue would reduce its visual prominence, it would not overcome the harm that would be caused by virtue of its size, functional design, and position on the building.
11. I conclude on the main issue that the proposal would materially harm the character and appearance of the building and the area contrary to the objectives of national policy³ and policies CS14, DP24 and DP25 of the Camden Local Development Framework⁴ which collectively seek to achieve high quality design and ensure that development preserves or enhances the character and appearance of conservation areas.

Other Matters

12. The proposal would deliver some public benefits through the replacement of an ineffective ventilation system with a properly designed flue that should prevent the deposition of grease and particulates on the side of the public house and into the passageway thereby improving air quality and the local environment. The proposal would also allow the more efficient operation of the kitchen and thereby improve the viability of the business.
13. Furthermore, the appellant advises that the proposal is the only practical means of achieving these benefits as the proposal could not be located at the rear of the building because the kitchen does not have an external wall on that elevation, and because the insertion of an internal flue would not be feasible without detriment to the amenity of the occupier of the second floor flat. On the other hand, the Council is not convinced that the possibility of an internal solution, as encouraged by its policies and guidance, has been fully investigated. In the absence of persuasive evidence to demonstrate that alternative solutions would not be possible, the weight that I attach to the benefits of the proposal is somewhat reduced.

Overall Assessment

14. In accordance with the relevant statutory duty and national planning policy⁵, I attach great weight to the desirability of preserving or enhancing the character and appearance of the conservation area. Whilst the harm that I have identified would be less than substantial, it would be significant and it would not be outweighed by the public benefits that I have identified.

³ National Planning Policy Framework (NPPF) section 12.

⁴ Camden Core Strategy 2010-2025 and Camden Development Policies 2010-2025.

⁵ Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 and NPPF paragraph 132.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

William Fieldhouse

INSPECTOR