



Appeal Decision

Site visit made on 29 May 2024

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 24th June 2024

Appeal Ref: APP/K2230/W/23/3335986

Prince Albert, 26 Wrotham Road, Gravesend, Kent DA11 0PW

- 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 Edris Barbers against the decision of Gravesend Borough Council.
 - The application Ref is 20230916.
 - The development proposed is construction of an outbuilding to make ancillary restaurant seating.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The reason for refusal and Delegated Report both refer to the effect of the extraction unit and signage on the character and appearance of the Upper Windmill Street Conservation Area (CA). However, the proposed development detailed on the application form does not include the installation of the extraction unit or signage. Also, neither are shown on the application plans and the appellant has indicated these aspects did not form part of the planning application. My assessment is therefore based upon the construction of the proposed outbuilding only.
3. A timber outbuilding was constructed in the beer garden of The Prince Albert public house. It was subsequently extended and converted to be used by people smoking shisha. A retrospective planning application¹ for the construction of the outbuilding and its ongoing use was refused in 2022. There is no substantive evidence before me that the existing outbuilding has been lawfully constructed for its current use. My decision is based on the planning merit of the appeal proposal only and is without prejudice to any ongoing enforcement action.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons

5. The appeal site is The Prince Albert public house which is located on the junction between Zion Place and Wrotham Road. The proposed outbuilding would be located to the rear of the site which opens onto Wrotham Road. The

¹ Planning application Ref. 20220813, refused 29 September 2022

appeal site is located at the western edge of the CA and is prominent in views from the south.

6. As indicated within the CA Character Appraisal², the area is defined by terraced houses and paired villas of similar design, they tend to include yellow brick and slate tile roofs. These properties are often set back from the road, a short distance, to accommodate modest front gardens, enclosed either by a short wall or railings. The area is characterised by the largely consistent pattern of development and similar external finishes. Nevertheless, the rear of the appeal site is open to the road and includes a parking area; therefore, it is not characteristic of the CA.
7. As the proposal is in the CA, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the area, as set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
8. The proposal would lead to the removal of the timber outbuilding. The existing outbuilding has an adverse effect on the character and appearance of the CA as it does not respect the established building line and its external finish does not assimilate with nearby buildings. Nonetheless, there is no evidence that the outbuilding has been lawfully constructed. The evidence indicates that the historic use of this section of the appeal site was as a beer garden. As such, this is the basis of my assessment.
9. The proposed outbuilding would be set back from the road, further than 30 Wrotham Road and the public house. As such, the proposal would not respect the established building line. Furthermore, the area in front of the proposed outbuilding would continue to be open and used for parking unlike most nearby gardens which are bound by walls or railings. The large set back, combined with the existing openness of the site, would make the proposed outbuilding appear incongruous.
10. Although the proposed grey concrete roof tiles would match the pub and other buildings locally, they are not in keeping with the historic slate tiles, which are still prevalent in the area. Given the proposed concrete tiles and the proposed siting, the outbuilding would appear visually obtrusive in the street scene.
11. I note that nearby properties on Zion Place have been altered but they do retain several historic features, which helps maintain the character of the CA. Nevertheless, the loss of historic features and the use of modern external finishes, elsewhere, does not justify allowing a development which does not conserve the character or appearance of the CA.
12. Overall, I conclude that the proposal would not preserve or enhance the character or appearance of the CA. It would therefore be contrary to Policies CS19 and CS20 of the Gravesham Local Plan Core Strategy, September 2014, and saved Policy TC3 of the Gravesham Local Plan First Review, September 2014. These policies indicate that new development shall conserve and enhance the character of the historic environment, and proposals will be supported which preserve the significance of the Borough's heritage assets, amongst other factors. The proposal would also be contrary to paragraphs 135 and 139 of the National Planning Policy Framework (the Framework) which

² Upper Windmill Street Conservation Area Character Appraisal, Gravesham Borough Council, 2009

indicate that planning decisions should ensure that developments are sympathetic to local history and development that is not well designed should be refused.

13. Paragraph 205 of the Framework indicates that great weight should be given to an asset's conservation, irrespective of whether any potential harm amounts to substantial or less than substantial harm. I have found that the proposal would fail to preserve or enhance the character and appearance of the CA. Given the minor scale of the proposal, I find that the harm would be less than substantial. As per paragraph 208 of the Framework, this harm is to be weighed against the public benefits arising from the proposal.
14. Benefits of the proposal include improving the economic viability of the pub, making an effective use of land, and economic benefits associated with the construction of the proposed outbuilding. There would also be benefits associated with a more effective use of previously developed land, as supported by paragraph 124 of the Framework. Furthermore, the appeal site is easily accessible by walking, cycling and public transport.
15. A lack of a materially harmful effect on the living conditions of neighbouring residents and no listed buildings being in proximity to the site are neutral factors, which neither weigh in favour nor against the proposal.
16. As it has not been demonstrated that the proposed outbuilding is the only feasible measure to improve the ongoing viability of the pub and given the modest scale of development, I only ascribe limited weight to the benefits. Overall, the benefits do not outweigh the 'less than substantial harm' to the CA.

Conclusion

17. The material considerations do not indicate that a decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR