
Appeal Decision

Site visit made on 12 November 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 December 2019

Appeal Ref: APP/M0655/W/19/3233470

King's Head, 40 Winwick Street, Warrington WA2 7TU

- 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 Andrew Fannon against the decision of Warrington Borough Council.
 - The application Ref 2018/33538, dated 27 November 2018, was refused by notice dated 18 April 2018.
 - The development proposed is an external food and drinking area.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. There has been a series of applications for various developments related to the appeal property in recent years. The drawings submitted with the application include details of the extension to the rear and side of the King's Head, which already has planning permission and has been built. This appeal relates only to the external food and drinking area. This has also been constructed, and I am considering the appeal retrospectively on that basis.
3. The Council's decision notice did not refer to any development plan policies. However, from the officer report it is clear that Policies QE7 and QE8 of the 2014 Warrington Local Plan Core Strategy (WLPCS) are most relevant to my determination of the appeal.

Main Issue

4. The main issue is whether the development preserves the setting of the King's Head, a Grade II Listed Building, and preserves or enhances the character or appearance of the Winwick Street Conservation Area.

Reasons

5. The King's Head is a large public house on the northern edge of Warrington town centre. It is a Grade II Listed Building, adjacent to the Winwick Street Conservation Area. As such I have statutory duties to have special regard to the desirability of preserving its setting, and to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area. As heritage assets are irreplaceable, the National Planning Policy Framework (the Framework) states that they should be conserved in a

manner appropriate to their significance (paragraph 184). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 194), and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 196).

6. The King's Head is a substantial late 19th century three storey public house. It derives its significance from its richly-ornamented tiled ground floor, a pair of timber framed Venetian windows at first floor level, and a half-timbered top storey incorporating two large gables with carved bargeboards. Its rear and north side elevations are red brick, the southern elevation has a terracotta-coloured render finish. The pub building is detached, following the demolition of a short terrace to the south to which it was once attached, and much of the surrounding land is currently given over to surface car parking. The open nature of the surrounding land means that the pub dominates the short stretch of Winwick Street on which it stands. The frontage provides considerable visual and historic interest, and the tiling gives the building an appearance of durability and solidity which sits comfortably in its urban setting and reflects the dominant use of hard materials such as brick, stone and iron in the surrounding area.
7. The external food and drinking area has been developed on part of the car park immediately to the south of the Listed Building. It is enclosed with raised bar areas formed from wooden sleepers at the western and eastern ends, and by timber picket fences to the southern boundary and a small part of the northern boundary next to the pub building. A wooden patio forms a path through the centre of the area from a pair of timber picket gates on the Winwick Road boundary to the entrance to the pub's rear extension, with artificial grass surfaces and wooden picnic tables along both sides.
8. The King's Head and the surrounding area are essentially urban in character, notwithstanding that many of the buildings which once stood in the vicinity are no longer there. Traditional boundaries which can be seen close to the appeal site include brick or stone walls, and iron railings. Low timber rail fences are widely found separating the area's many surface car parks from adjacent pavements, but this low-quality treatment should not set a precedent for the choice of materials next to a designated heritage asset. The use of pale timber for the sleeper bars and picket fences enclosing the area give it a rustic appearance which is at odds with both the overall urban character of the Listed Building and its resilient brick and glazed tile materials at ground level. The creation of a timber walkway and the use of artificial grass within the area also appear incongruous given the appeal site's urban character and the prevailing palette of harder materials used in the King's Head itself and elsewhere nearby. The food and drinking area is particularly prominent when viewed from the south against the backdrop of the pub building. Particularly when seen from Winwick Street between Warrington Central Station and the King's Head itself, the food and drinking area's design and choice of materials appear unsympathetic to the distinctive decorative front elevation of the Listed Building.
9. Turning to the relationship with the Winwick Street Conservation Area, the development is visible from the east side of Winwick Street, which marks the western boundary of the Conservation Area. The significance of the Area lies primarily in the presence of the former Cheshire Lines warehouse and related railway developments to which lie some way to the east.

10. Although the King's Head now stands in semi-isolation and the continuity of form which is characteristic of the Conservation Area and surroundings is absent, this is a consequence of the unrelated demolition many years ago of the terrace which stood on the site. Unbroken terraces are no longer greatly in evidence immediately around the appeal site, and even if they were, replacing an open car park with an outdoor food and drink area would have little discernible effect on the built character of the Area. Combined with the physical separation across Winwick Street and the small scale of the food and drinks area, I do not consider that it causes any harm to the character and appearance of the Conservation Area.
11. I therefore conclude that the external food and drinks area does not preserve the setting of the Grade II Listed King's Head, although it is not harmful to the character and appearance of the Winwick Street Conservation Area or its significance. In terms of the Framework the harm to the significance of the Listed Building as a designated heritage asset is less than substantial.
12. I recognise that, viewed in isolation, the development has replaced a small part of an unsightly rough-surfaced car park which detracted from the character and appearance of the wider area. In line with the requirements of the Framework, I consider that this represents a limited public benefit. I also accept that ensuring the pub is able to remain a viable and operating business amounts to a significant public benefit by virtue of its contribution to the economy of the town. However, the pub already has another outdoor eating and drinking area in a rear courtyard, and none of the evidence before me suggests that the development is necessary to secure the future either of the pub business or the preservation of the heritage asset itself. In these circumstances, I afford the public benefits of the development only moderate weight. However, the failure to preserve the setting of the Grade II Listed Building should be afforded great weight. The public benefits do not outweigh the harm in this case, and the development is contrary to the Framework in this regard.
13. The development therefore conflicts with Policies QE7 and QE8 of the WLPCS, which together aim to ensure that developments reinforce local distinctiveness, including by harmonising with the materials of adjacent buildings, and that they protect and enhance the setting of heritage assets.

Other Matters

14. I note that the economic development policies of the Council's development plan are supportive of the development in principle, and that the lack of residential occupiers in neighbouring buildings means that no significant harm to residential amenity arises from the development. However, these factors do not outweigh the harm which I have identified to the setting of the Listed Building.

Conclusion

15. For the reasons given above the appeal is dismissed.

M Cryan

Inspector