



Appeal Decision

Site visit made on 6 January 2020

By D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 04 February 2020

Appeal Ref: APP/M0933/W/19/3240614
25 Stricklandgate, Kendal LA9 4LY

- 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 P Banks against the decision of South Lakeland District Council.
 - The application Ref SL/2019/0659, dated 12 August 2019, was refused by notice dated 14 October 2019.
 - The development proposed is the installation of window retractable canopies.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The proposed retractable window canopies have already been installed. I have therefore determined the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Kendal Conservation Area.

Reasons

4. The appeal property, a jeweller's shop, is situated in a relatively central position within the Kendal Conservation Area (CA). The Character Appraisal, Kendal Conservation Area, 2007, states that 'the character and appearance of this part of the town is established by the historic pattern of streets'. This document identifies the appeal property as having a 'moderate or very slight intrinsic architectural interest' which has 'a largely neutral impact on the special architectural or historic character of the area'.
5. The majority of shops in the immediate vicinity do not have canopies. Consequently, canopies do not form part of the style and character of the CA and are therefore not referenced in the Character Appraisal for the CA. Although the appeal property's canopies were retracted on my site visit, when open they would be incongruous within the surrounding streetscene. They would interrupt the pattern of the shopfront facades and would have a detrimental effect on the neutrality of the building's historic and architectural character and appearance within the CA.
6. This is exacerbated by the property's prominent position on the corner of Stricklandgate and Market Place opposite the war memorial which is a listed

monument. In addition, the appeal property's elevated position towards the top of Stricklandgate means that the canopies are visible from both ends of this street. This is highlighted further by the white casing to these structures and the number and positioning of canopies on both sides of the building.

7. I therefore find that there would be harm, albeit less than substantial, to the CA in relation to its character and appearance. Having regard to guidance in the National Planning Policy Framework, 2019 (the Framework), paragraph 196 states that where the proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I therefore address these matters below.
8. The appellant has suggested that the proposal prevents glare from the sun and solar gain while providing shelter to shoppers. However, the appeal property's windows are north and west facing and therefore sunlight would not be a significant issue. I note that the proposed canopies would provide shelter to prospective customers whilst window shopping, and give this some weight in my overall determination of the appeal.
9. As such, the public benefits of the appeal scheme are of no more than limited weight and would not outweigh the harm I have identified.
10. I note that a Heritage, Design and Access Statement was submitted. However, the Heritage Assessment only referenced examples of other canopies in the area as evidence for this proposal. Canopies have been installed on other shop fronts in the local area, although this is about 20 out of over 100 shops and only 2 of these are recent additions. I have few details relating to these properties, but most of these establishments are south facing, display food or have outside eating and drinking areas and are therefore mostly required for their everyday commercial use. In addition, the majority of these businesses only have one canopy and none hold such a prominent position within the CA as the appeal property.
11. The appellant also references the granting of planning permission (SL/2019/0035) for a canopy at Bangkok 7 on Finkle Street. However, this is not directly comparable, as it is a modern fronted restaurant, situated off the main street and with only one canopy. This provides cover for outside diners, allowing the restaurant to cater for outdoor customers in this pedestrianised area. Notwithstanding, the presence of other canopies in the locality does not represent an appropriate reason to find in favour of a proposal that would cause harm that I have identified.
12. It has been drawn to my attention that the previous tenant of this building (Thorntons) may have used canopies. Once again, I am not aware of the particular circumstances or planning history in relation to these structures. I have therefore considered the appeal scheme on its own merits.
13. I consider that the proposal would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm. Furthermore, this is not outweighed by the public benefits. I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, which these proposals fail to do.

14. Consequently, the proposal fails to preserve or enhance the character or appearance of the CA. Therefore, it fails to adhere to Policy DM3 of the South Lakeland Local Plan, Development Management Policies (2017), Policy CS8.6 of the South Lakeland Local Development Framework Core Strategy (2010) and the requirements of paragraphs 189 to 202 of the Framework (2019). These require development to safeguard and where possible enhance all heritage assets and their settings.

Conclusion

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

D Hilton-Brown

INSPECTOR