



Appeal Decision

Site visit made on 22 June 2020

by J Hunter BA (Hons) Msc MRTP

an Inspector appointed by the Secretary of State

Decision date: 10 July 2020

Appeal Ref: APP/A2335/W/19/3242654

14, The Dalton Rooms, Dalton Square, Lancaster LA1 1PL

- 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 Paul Roberts against the decision of Lancaster City Council.
 - The application Ref 19/01000/FUL, dated 2 August 2019, was refused by notice dated 22 October 2019.
 - The development proposed is described as alterations to the shop front fascia.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr Paul Roberts against Lancaster City Council. This application is the subject of a separate Decision.

Preliminary Matter

3. The development has already taken place. I am therefore considering this proposal retrospectively.

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character and appearance of the Lancaster Conservation Area.

Reasons

5. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving and enhancing the character or appearance of the Lancaster Conservation Area (the CA). Policy DM31 of the A Local Plan for Lancaster, Development Management DPD 2014 (DPD) states that only development which preserves or enhances the character and appearance of the Conservation Areas will be permitted.
6. In considering the significance of the CA and the contribution the appeal building makes to it I have been directed to the Lancaster Conservation Area Appraisal 2013 (CAA) and in particular Character Area 4 which relates to Dalton Square. The CAA describes this part of the CA as a distinct part of the City Centre, laid out as a planned late Georgian suburb and retaining many fine buildings and attractive spaces. The grid street pattern and Georgian buildings, focused on Dalton Square reflect the heyday of eighteenth-century Lancaster,

whilst the Edwardian Town Hall, and wide variety of religious and existing commercial buildings express later prosperity and confidence.

7. The appeal site is located on the western side of Dalton Square where retail and leisure uses dominate. The appeal building is not listed but sits in the heart of the CA, immediately south of Grade II listed buildings at nos 15-16 Dalton Square and within the setting of Grade II listed balustrades around the formal garden in the centre of Dalton Square to the east.
8. The appeal building sits in a row of predominantly three storey Georgian buildings constructed in sandstone with shallow pitched roofs. The terrace generally has office or residential uses at first and second floor and a retail or commercial use at ground floor. Timber sash windows have been retained in the upper floors and there are some attractive traditional shop fronts at ground floor.
9. The design of the appeal building is markedly different to the rest of the terrace which would indicate that its original use was different to that of its neighbours. Constructed in sandstone, it is two storeys, with a shallow parapet sitting in front of a relatively steep gabled roof. There are decorative timber casement windows at first floor. At ground floor, there is an open frontage supported by sandstone columns which sits forward of glazed timber doors marking the entrance to the building. Whilst I accept that the building is not listed or indeed mentioned specifically in the CAA, I consider that overall it provides a positive contribution to the street scene and the character and appearance of the CA.
10. The appeal proposal would see the retention of alterations to the shop front that consist of two large timber panels fixed inside the open frontage at a height of approximately 2 metres. The boards are approximately 4metres x 1metre and have been painted in a cream colour. The appellant submits that the boards form an acoustic barrier that is required as part of the premises licence. The Council do not dispute the content of the premises licence but state that there is no technical justification for the acoustic barriers. I note that the Conservation Officer does not object to the alterations on the basis that they represent a visual improvement to the previous temporary acoustic solution. Nonetheless, the officer identifies less than substantial harm to the CA describing the panels and being of a crude design that obscures the glazing behind.
11. The boards appear large and cumbersome against the proportions of the host building and I consider that by virtue of their size, positioning and design, they amount to an incongruous and discordant addition to the CA that fails to preserve or enhance its character and appearance. I appreciate that there have been other modern shop front installations including previous alterations at the appeal property, but these seem to be isolated examples that fail to harmonise with the overall character and appearance of the CA. In any event, the presence of other unsympathetic alterations or developments in the vicinity does not in itself justify further harm.
12. The harm that has arisen by virtue of the alterations to the shop front at the appeal property is localised and therefore the impact on the CA as a whole, is less than substantial. In the context of Paragraph 196 of the National Planning Policy Framework (the Framework) such harm must be weighed against any public benefits identified. The appellant has suggested that the alterations provide an acoustic barrier that is part of the terms of a premises licence.

However, I have not been provided with any substantive evidence in the form of a noise report that would clarify whether or not noise mitigation is necessary.

13. As such, the public benefits of the appeal scheme are of no more than limited weight and do not outweigh the harm I have identified. Thus, my overall conclusion is that the alterations to the shop front fail to preserve or enhance the character and appearance of the Lancaster Conservation Area and accordingly they conflict with the design and conservation requirements of CSDP policies BH1 and BH8, saved UDP Policy B4 and the Framework.

Other Matters

14. There is some dispute between the main parties about the heritage status of the host building and whether or it was originally built as a car showroom with an open frontage. The Council maintain that it is a non-designated asset, originally built as a car show room in the 1910-1920 when the private motor car was becoming popular with wealthy families and therefore the open front is an original characteristic of the building that should be retained. The appellant, however, argues that there is no evidence which supports this theory.
15. There is no evidence of the building being on a Council list of non-designated heritage assets and I cannot be certain of its original composition. However, it has not been necessary for me to reach a finding on these matters. This is because I have concluded that the development has not preserved or enhanced the character and appearance of the CA which is a matter of over-riding concern

Conclusion

16. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR