
Appeal Decision

Site visit made on 19 March 2022

by D Hartley BA (Hons) MTP MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

Appeal Ref: APP/E0915/W/21/3285877

30 Lismore Street, Carlisle, Cumbria CA1 2AH

- 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 S Mohammed against the decision of Carlisle City Council.
 - The application Ref 21/0759, dated 15 July 2021, was refused by notice dated 13 September 2021.
 - The development proposed is described as the 'installation of a new shop front and fascia signage'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The evidence is that work commenced in respect of the shop front in July 2021. As part of my site visit, I was able to see that this work had commenced. I am therefore determining the appeal on a partly retrospective basis. The description of development in the planning application form includes reference to fascia signage. This is not development and is controlled as part of the advertisement regulations. I am separately dealing with appeals relating to the installation of advertisements on the property¹.
3. Given the above, I have therefore determined the appeal on the basis of the description of development in the Council's refusal notice and appellant's appeal form which is a '*new shop front*'.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

Reasons

5. The appeal site is positioned within a terrace of buildings at the corner of Broad Street and Lismore Street. It is in use as a hot food take-away and work has already commenced in terms of the shop front alterations. The evidence is that the original and former shop front windows had a vertical emphasis and included Victorian detailing such as wooden pilasters and, on the Broad Street elevation, a wooden stallriser. In addition, there were sills and headers matching the appearance of other properties in the Lismore/Broad Street terrace.

¹ Appeal Ref Nos APP/E0915/H/21/3283163 and 3285905

6. While the predominant land use in the area is residential, there is no doubt that prior to works commencing on the site, the appeal building shared a uniformity of design detailing with other properties in the area including window sizes, sills, headers, recessed doorways and other decorative features. Consequently, the appeal building, including its shop front, contributed positively to a visually attractive and traditional form of architecture in the locality.
7. The development has significantly widened the shop front windows to the broad Street and Lismore elevations. This departs significantly from the otherwise verticality of the windows in the area and results in a building where, in respect of the elevations, there is greater emphasis on glass as distinct from breaking up the elevations with the use of brick walls.
8. The use of red aluminium frames, which are more modern in appearance, exacerbates the above harm and represents a further departure from the more traditional architecture and materials that are prevalent in this area. Overall, the proposal would conflict with policy EC7 of the Carlisle District Local Plan 2015-2030 (LP) which states that '*well designed and appropriate shop fronts, whether original or reproduction, should be retained wherever practicable and if necessary restored when the opportunity arises*'.
9. For the above reasons, I conclude that the development looks incongruous in the street-scene and significant harm has been caused to the character and appearance of the area. It does not therefore accord with the design, character and appearance requirements of policies EC7, SP6 and HO12 of the LP; chapter 12 of the National Planning Policy Framework 2021 and the Council's Shopfront Design Guide SPD.

Other Matters

10. I acknowledge the appellant's comment that he is renovating the building internally to bring it up to date to the latest takeaway catering standards. While the appellant may also desire to improve the external appearance of the property at the same time, it is nonetheless necessary that this is done in such a way that harm is not caused to the character and appearance of the area.
11. I acknowledge that as this is a hot food take-away facility, it is necessary to have reasonably sized windows so that customers can see inside. I am not, however, persuaded that in this case larger windows than the originals are a pre-requisite in terms of attracting passing trade. The use of sensitive advertisements and internal lighting would draw sufficient attention from this point of view. In any event, the harm that has been caused to the character and appearance of the area is a matter of overriding concern.

Conclusion

12. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

D Hartley

INSPECTOR