
Appeal Decisions

Site visit made on 6 February 2024

by H Butcher BSc (Hons) MSc PG Dip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd February 2024

Appeal Ref: APP/Q9495/W/23/3321065

Overwater Hall Hotel, Ireby, Wigton CA7 1HH

- 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 Mason Gillibrand Architect's Ltd against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/2135, dated 10 May 2022, was refused by notice dated 13 March 2023.
 - The development proposed is redevelopment of hotel to provide additional bedrooms, leisure and dining facilities, siting of 12 no. 'dark-sky' cabins, creation of new car park and change of use and adaptation of outbuildings to provide offices and staff accommodation, associated access, drainage and landscaping works.
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Appeal Ref: APP/Q9495/Y/23/3321074

Overwater Hall Hotel, Ireby, Wigton CA7 1HH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mason Gillibrand Architect's Ltd against the decision of Lake District National Park Authority.
 - The application Ref 7/2022/2135, dated 10 May 2022, was refused by notice dated 13 March 2023.
 - The works proposed are redevelopment of hotel to provide additional bedrooms, leisure and dining facilities, siting of 12 no. 'dark-sky' cabins, creation of new car park and change of use and adaptation of outbuildings to provide offices and staff accommodation, associated access, drainage and landscaping works.
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Decision

1. The appeals are dismissed.

Preliminary Matter

2. The revised National Planning Policy Framework (December 2023) (the Framework) was published during the course of the appeal. The revisions to the Framework do not change the key areas of policy which are material in this case.

Main Issue

3. The main issue is the effect of the works on the special architectural and historic interest of Overwater Hall Hotel and its setting which includes the English Lake District World Heritage Site and the Lake District National Park.

Reasons

Special Architectural and Historic Interest

4. Overwater Hall Hotel and Garden Terrace is Grade II listed¹. It was built as a late eighteenth/early nineteenth century country house and is accessed via a long drive with gardens to all sides. Whilst it has been subject to later additions to the rear, the main building retains much of its historic Georgian castellated architecture and plan form.
5. A number of features of the property contribute to its special architectural and historic interest:
6. Of note, in the listing description, is reference to a garden terrace on the east elevation. This is described as forming an integral part of the house with segmental arches underneath providing access to a cellar and steps up to open balustrades.
7. As already stated much of the original plan form of the house remains intact. This is particularly so at ground floor, but even at first floor, where later stud walls have been inserted, the original room plan forms are largely retained.
8. Also noted in the list description is a large round-headed sash window with radial glazing bars in the rear elevation which serves the main staircase and allows views out of the property across the lawns towards woodland. The staircase is a significant feature with its geometrical design and patterned cast iron balustrade as well as the window serving it.
9. The front and principal elevation of the property currently shows no sign of substantive alteration and as a result can be fully appreciated for its architectural and historic interest, free from the distraction of later additions.
10. Furthermore, the setting of Overwater Hall Hotel is important to the special architectural and historic interest of the property. The extent of the gardens to the north, east, south and west indicate a historically high-status property. The wider areas of woodland have also historically provided rural seclusion and quiet tranquillity and beyond the garden and woodland are far reaching views of the landscape for which the Lake District is renowned. This setting therefore also contributes to the architectural and historic interest of the property.

Effect of Proposed Works

11. The proposed works would include alterations to the historic garden terrace. One of the sets of steps would be removed along with the south side balustrade and the terrace would be incorporated into a much larger new terrace area to the rear. The segmental arches of the terrace would also be double glazed to enclose the area underneath which leads to the cellar. Such works would result in the loss of historic fabric and fundamentally undermine the historic appearance and function of the terrace thereby eroding its architectural and historic interest.
12. The extensive extensions to the rear of the property would significantly affect the architectural and historic interest of the window to the main staircase by partially obscuring and detracting from external views of it and thereby reducing its architectural prominence on the historic principal building. Views

¹ NGR:NY2434734614

from this window would also be dramatically altered from the historic rural aspect of the property's grounds to a sprawling contemporary complex of buildings.

13. At first floor, in bedrooms 1 and 4, later stud wall partitions would be removed to restore these rooms to their historic plan form which is a positive change. However, more permanent changes to the plan form of the property are proposed through the creation of openings to provide access to new ensembles for these rooms. Furthermore, lobbies are proposed which would result in additional new openings being created. Such changes would result in the loss of historic fabric and permanent damage to the building's historic plan form.
14. At ground floor a new staircase is to be inserted in the style of and as an extension to the existing main staircase to provide access to the basement. This would be a big intervention into an area of architectural and historic significance in the property. It would not only result in the loss of historic fabric, but it would also alter the historic layout and function of the property; access to the cellar being historically via a smaller, secondary staircase.
15. The main entrance steps to the property are proposed to be partially removed and an accessible access provided. This would result in further loss of historic fabric, and detail as to how this could be achieved sympathetically has not been provided. In addition to this the extent of building to the rear, in particular the new two storey destination restaurant, would be visible in certain views of the main principal elevation, drawing the eye and detracting from its historic and architectural interest.
16. In terms of setting the proposal involves extensive buildings and works over historic gardens to the rear and west of the property. In the wider setting would also be the siting of dark sky lodges with associated access roads. Altogether this would significantly diminish the quiet, rural and tranquil seclusion the setting currently provides.
17. I have considered the imposition of conditions as suggested by the Authority, which include photographic recording, lighting schemes, and landscaping but this would not sufficiently minimise the harm I have found.
18. Taking these points together I find that the special architectural and historic interest that Overwater Hall Hotel and its setting possesses would not be preserved.
19. The appeal site also falls within the English Lake District World Heritage Site and Lake District National Park. This covers a large area and encompasses a range of architecturally and historically important sites and cultural heritage. The architectural form of Overwater Hall Hotel and its setting contributes to both the World Heritage Site and National Park insofar as it retains its appearance as a traditional country house set in the largely wild, remote, and rural surroundings of the Lake District. Given I have found harm to Overwater Hall Hotel and its setting it follows that the proposal would cause harm to the World Heritage Site and National Park. This is irrespective of there being limited public vantage points of the site.
20. For these reasons I find conflict with Policies 1 and 7 of the Lake District National Park Local Plan which respectively seek to protect the Lake District National Park and the historic environment.

21. In terms of para 208 of the Framework the extent of harm I have identified would be 'less than substantial'. As set out therein where a development proposal would lead to 'less than substantial harm' to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.

Heritage Balance

22. The benefits put forward in this case include securing the optimum viable use of the property as a hotel. However, no substantive evidence has been provided to support this assertion. Nevertheless, there would be a public benefit in retaining the current use of the property as a hotel and its expansion would undoubtedly bring with it economic benefits and support tourism. Staff accommodation could be provided on site. I also note various improvements are proposed such as the restoration of the Ash woodland, increased biodiversity, enhancements to existing footpaths, and improved accessibility throughout the site. As previously noted I have also found a modest benefit in terms of the removal of existing stud partitions in bedrooms 1 and 4. There is also an opportunity to reinstate former farm buildings on the site as part of the proposals. Taken together these benefits carry moderate weight.
23. Para 205 of the Framework advises that great weight should be given to the conservation of designated heritage assets irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm. Furthermore, any harm must be given considerable importance and weight. Given that the proposal would result in harm to a number of significant features of special architectural and historic interest possessed by the property and its setting I find that this harm is not outweighed by the public benefits in this case.

Conclusion

24. The appeals are dismissed.

Hayley Butcher

INSPECTOR