



Appeal Decision

Site visit made on 10 April 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 April 2024

Appeal Ref: APP/K0940/W/23/3333943

1 Hart Street, Ulverston, Cumbria LA12 7HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Strands Hair Design against the decision of Westmorland and Furness Council.
 - The application Ref is SL/2023/0523.
 - The development proposed is described as 'Removal and closure of window on upper storey, removal of redundant chimney stub, remove render and apply roughcast render, install rainwater gutter and various internal alterations'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of the development from the appeal form in the interests of clarity and brevity.
3. The appeal property is located within the Ulverston Conservation Area (the CA). It is also adjacent to a Grade II listed building¹ referred to on the National Heritage List for England as, 'Sale Room, Fountain Street'. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Ulverston Conservation Area (the CA) and whether the proposal would preserve the Grade II listed building, Sale Room, Fountain Street, with particular regard to its setting.

Reasons

5. The CA extends over a large part of the historic urban centre of Ulverston consisting of numerous terraced residential and commercial properties fronting the pavement edge with the Market Place at its focus. Properties vary in height and style although are typically Georgian or Victorian. The symmetrical arrangement of fenestration to street-facing elevations of the buildings here provides a rhythm to the streetscene and a degree of coherence across the otherwise varied character. The use of render with stone detailing is a strong characteristic that is present across the CA.

¹ List Entry Number: 1375000.

6. Pertinent to the appeal, the character and appearance and thus the significance of the CA stems from the prevalence of Georgian and Victorian architecture, variations in height and style of buildings, the consistency in their materials and the rhythmic arrangement of fenestration.
7. Based on evidence provided by the appellant, the appeal building likely dates to the nineteenth century. It is a rendered corner building with prominent stone quoins, located at a junction of Hart Street and Tarnside and adjacent to the junction of Hart Street with Union Street and Fountain Street. The building has a distinctly narrow end elevation onto Fountain Street which is little wider than the ground and first floor windows located within it. The elevation onto Hart Street comprises of a door and windows, arranged symmetrically. Both elevations are visible as part of the streetscene from the adjacent streets and contribute to the aforementioned rhythm of fenestration that characterises the CA. Having regard to the above, the appeal property thus reinforces the significance of the CA.
8. The Grade II listed Sale Room, is located immediately opposite the appeal site across the narrow street of Tarnside and is located within its setting. Formerly a Catholic Church, it has a distinctive appearance, comprising of rendered external walls with pointed windows and painted stone hoodmoulds. It also has an embattled parapet visible to the front with a stone tower to the rear. Its significance, insofar as it relates to this appeal, is related to its architectural and historic interest as an example of a Georgian Catholic Church. Its significance is also derived from its setting within a network of historic, predominantly residential, streets. The buildings along these streets, including the appeal property, with their more domestic character and regular arrangement of fenestration, provide a contrast with its distinctive appearance and architectural style.
9. The appeal proposal would involve the removal of the existing first floor window from the elevation fronting Hart Street. The removal of this window would lead to a blank first floor elevation fronting Hart Street, an uncharacteristic feature on a streetscene elevation within the CA. The loss of a window here would disrupt the regular pattern of fenestration and the symmetry present in the dwelling. This would erode its historic character and diminish its contribution to the rhythm of fenestration that characterises the streetscene, adversely affecting the significance of the CA.
10. The erosion of the regular arrangement of the fenestration and the adverse effect on the historic character of the dwelling would also, albeit to a limited degree, diminish its contribution to the setting of the listed building and thus, albeit to a limited degree, adversely affect its special interest and significance.
11. As such, for the above reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would also fail to preserve the special interest of the Grade II listed building of Sale Room, Fountain Street, through development within its setting. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act. For the same reasons it would cause harm to the significance of these designated heritage assets.
12. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets the magnitude of that harm should be assessed. Given the extent and nature of the

proposals, I find that the harm to the CA and the setting of the listed building would be less than substantial, this is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

13. The proposal would result in heritage benefits through the maintenance of a building that contributes to the significance of the CA. There would also be benefits in terms of supporting the existing hairdressing business that occupies the premises. I acknowledge that the appellant is trying to address problems with damp, nonetheless, there is no evidence before me that the appeal proposal is the only means of achieving this aim.
14. Paragraph 206 of the Framework is explicit in its requirement that any harm to the significance of designated heritage assets should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. Cumulatively, therefore, whilst I acknowledge the public benefits of the scheme referred to above, they would not outweigh the harm to designated heritage assets to which I must give considerable importance and weight.
15. The proposal would fail to preserve or enhance the character and appearance of the CA. It would also fail to preserve the special interest of the Grade II listed building of Sale Room, Fountain Street, through development within its setting. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies CS1.1, CS8.6, and CS8.10 of the South Lakeland Core Strategy (2010) and Policies DM1, DM2, and DM3 of the South Lakeland Development Management Policies Development Plan (2019). Together these seek to preserve and enhance heritage assets whilst providing high quality design that makes a positive contribution to local distinctiveness.

Other Matters

16. The appellant has directed me to recent conversion works to a nearby public house. I am not provided with details of any approval; however, I note this does not have a large blank section at first floor and is consistent with the regular arrangement of fenestration. Furthermore, the provision of a first floor smoking area at another public house has limited relevance to the scheme before me.

Conclusion

17. Having considered the development plan as a whole, the approach in the Framework, and any other relevant considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR