

Appeal Decisions

Site visit made on 19 September 2024

by A J Mageean BA(Hons), BPI, PhD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 October 2024

Appeal A Ref: APP/G0908/W/24/3341934

Crown Inn, Ellenborough, Maryport, CA15 7DN

- 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 Mr Darren Herald against the decision of Cumberland Council.
 - The application Ref is FUL/2023/2069, dated 5 December 2023, was refused by notice dated 6 February 2024.
 - The development proposed is retrospective application for replacement windows, main slate roof covering and flat roof covering.
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Appeal B Ref: APP/G0908/Y/24/3341935

Crown Inn, Ellenborough, Maryport, CA15 7DN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Darren Herald against the decision of Cumberland Council.
 - The application Ref is LBC/2023/0046, dated 5 December 2023, was refused by notice dated 6 February 2024.
 - The works proposed are retrospective application for replacement windows, main slate roof covering and flat roof covering.
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Decision

1. The appeals are dismissed.

Procedural Matters

2. Both appeals concern replacement windows and roof coverings which are already in place.
3. In the interests of clarity and conciseness, I will deal with both appeals together in my reasoning.

Main Issue

4. The main issue in both appeals is whether the proposals would preserve the Grade II listed building known as the Crown Inn or any features of special architectural or historic interest that it possesses.

Reasons

5. The 1977 statutory list entry description for the Crown Inn identifies it as being early 19th century in origin, and of two storey sandstone with a double span slate roof. Other features such as '3 windows in stone surrounds', 'hung sashes with glazing bars', 'stone pilasters at ends' and 'hoist door to first floor' are referred to. More recent elements including a 'ground flank entry with modern wood porch' and '1 modern window to right in stone surround and modern brick entry' are also referenced.
6. It is apparent that the various alterations made to the building prior to listing have continued. The single storey flat roofed addition with a rendered finish which spans the front north-eastern elevation is particularly prominent in this regard. From the evidence before me, it is not clear when this was added. However, noting that this was not referred to in the list entry description, it appears possible that this was part of the 1984 approval, and therefore after the statutory listing. There have also been single and two storey additions to the north and western sides of the building.
7. Despite the changes over time, this building has retained a degree of its authenticity as a traditional building. This is most evident in the external appearance of its front elevation, and to a lesser degree its side elevations, in terms of the overall manner of its form, retained materials and the execution of architectural detailing. Prior to the unauthorised changes this included the Westmorland slate roof. The special interest and significance of the appeal building is therefore derived from the evidential value associated with its surviving elements, in representing the history and development of the local vernacular.
8. With reference firstly to the replacement roof covering, the evidence before me demonstrates that the original slate roof was laid in diminishing courses. The appellant sets out that the front roof slope was partly Buttermere slate and partly Welsh slate, and that the rear was all Welsh slate. Nonetheless the photographic evidence indicates that the front roof slope displayed the distinctive rough-hewn finish associated with this traditional roofing material. This is typical of the local vernacular.
9. The replacement Brazilian 'elterdale' grey green slates have been laid in standard courses. The material itself presents a uniformity of colour and smooth texture, meaning that it does not weather and soften in appearance in the same way as local slate. As this is a highly visible element of the front elevation, this alteration undermines the special interest of the listed building.
10. I turn now to the proposed retrospective installation of 23 uPVC windows, including a range of white double glazed multi- and single pane casement units. This appears to relate to all visible window and door openings and as such many relate to windows/doors in the extensions to the building. It is not clear whether all the replacements proposed have been undertaken. However, those on the front elevation have been replaced. Of note are the three windows housed within stone surrounds relating to the upper floor. It is likely that these relate to the three hung sash windows with glazing bars referred to in the list description. It is also highly likely that these windows would have reflected the craftsmanship and subtle variety present in

traditional timber framed casements. The current uPVC windows demonstrate the nature of uPVC in presenting a uniform and manufactured finish, in contrast with traditional window forms.

11. The parties agree that many of the windows present at the time of the 1974 planning application, and the 1977 listing, were removed some time ago. It is not clear when this occurred, though the appellant suggests that uPVC windows were in place on the upper floor of the front elevation at the time of a 1986 listed building consent application. Nonetheless, with particular reference to the upper floor front elevation windows, the currently proposed replacements would not be consistent with the age and style of building. They do not reflect the aesthetic qualities associated with traditional windows. This adds modestly to the harm to the special interest of the building already identified.
12. The appellant sets out that they were unaware that the building was listed and also that a range of authorised alterations have taken place prior to their ownership. They also refer to previous opportunities to rectify harms to this designated heritage asset having been missed by the Council. It is therefore suggested that leniency be given to reflect the fact that prior alterations have undermined the special qualities of this building. However, the fact remains that this is a listed building to which protective legislative provisions and government policy must be applied. I am required to consider these provisions with specific reference to the proposals contained in the appeals before me.
13. Specifically, sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act (the Act) require that when considering whether to grant listed building consent for any works affecting a listed building or its setting, special regard must be had to the desirability of preserving or enhancing the building or its setting, or any features of architectural or historic interest it possesses. Paragraph 205 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to its conservation. Policy 27 of the Alderdale Local Plan (Part 1) also sets out that all heritage assets and their settings will be conserved and enhanced in a manner appropriate to their intrinsic historic value and significance.
14. Against the provisions of statute and policy, I have found that the appeal proposals fail to preserve the special architectural and historic interest of the listed building.
15. In accordance with paragraphs 207 and 208 of the Framework, having identified harm to this designated heritage asset I am required to consider the magnitude of that harm. In this case I conclude that this would be less than substantial when considered in the context of the significance of the asset overall. In these circumstances the Framework requires that any identified harm is weighed against the public benefits which the proposals might secure.
16. No public benefit has been identified. In the absence of any public benefit to outweigh the harm identified above, I conclude that the development and

works would fail to preserve the special architectural and historic interest of the grade II listed building. They would not meet the requirements of the Act, paragraph 205 of the Framework or the requirements of the development plan.

Conclusion

17. For the above reasons, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

AJ Mageean

INSPECTOR