



Appeal Decision

Site visit made on 12 May 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 May 2025

Appeal Ref: APP/V2004/Z/25/3360445

Union Mash Up, 22-24 Princes Avenue, Kingston-Upon-Hull HU5 3QA

- 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. D. Stead against the decision of the Kingston-Upon-Hull City Council.
 - The application Ref is 24/00587/FULL.
 - The development proposed is described as retention of two retractable canopies and boxes to front.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appeal form cites the application number the appeal refers to is 24/00509/FULL, from the information before me it is clear that the application is referenced 24/00587/FULL. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this administrative error.
3. The application made clear that the scheme had been submitted retrospectively, the proposed development was in place at the time of my site visit I have dealt with the proposal accordingly.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the conservation area and the terrace the host property is located.

Reasons

5. The appeal site is a mid-terraced property operating as a restaurant and bar within a predominantly commercial area. The site is within the Princes Avenue Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
6. Paragraph 212 of the National Planning Policy Framework (2024) (the Framework) states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.

7. The Urban Conservation and Design Princes Avenue Conservation Character Statement (1997) (the Character Statement) confirms that despite developments Princes Avenue retains much of its essential nineteenth century character as a handsome wide tree-lined boulevard.
8. The Character Statement notes that there are many surviving shop frontages with a high degree of original detail such as timber pilasters, capitals, cornices and doorways. According to the Character Statement these have a particularly strong positive impact where a whole terrace of original shop frontages has substantially been retained or sensitively refurbished. Two terraces are mentioned, including 12a – 28 Princes Avenue, the terrace in which the appeal site is located. The Character Statement confirms that these frontages are important to the character of the area, I agree and as I observed during my site visit add to the significance of the conservation area.
9. The Character Statement is dated 1997, since this document has been published many properties have been altered, which has been confirmed by both parties, however, I note that many original features remain. There are numerous examples of roller shutters and retractable canopy boxes within the area which are not sympathetic to the conservation area. The Council confirm that many alterations have been carried out to properties without the benefit of planning permission, including the retractable canopy and box on the adjacent property No 26-28 and the neighbouring property No. 14. I therefore give the presence of these boxes limited weight as I have not been provided with substantive evidence to confirm these are lawful.
10. The appeal site and the terrace do contribute positively to the conservation area. The appellant contends that the retractable canopies and boxes have been mounted in a way to retain the original features of the shop front. Nevertheless, the works carried out introduce modern prominent additions to the property projecting forward of the traditional fascia. The works introduce an unsympathetic addition to the host property and the terrace on which it is located.
11. My attention has been drawn by the appellant to other shop fronts in the area which are considered to have changed the character and appearance of the area. I observed during my site visit that the quality of shop fronts in the area varies due to alterations however this does not justify a poorly designed development. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.
12. I find that the development adds an unsympathetic feature to the traditional shop front resulting in less than substantial harm to the significance of a heritage asset. This harm should be weighed against the public benefits of the proposal and whilst there would be economic benefits allowing outdoor seating to be used at various times of the year which could add to the vitality of the area this would not outweigh the harm caused by the development.
13. I conclude that the development diminishes the character and appearance of the conservation area and the terrace the host property is located. There is conflict with Policies 14 and 16 of the Hull Local Plan 2016 to 2032 (2017) which amongst other things seeks to support the delivery of high quality design which preserves or enhances heritage assets.

14. There is also conflict with the Framework which seeks to ensure developments are of good design appropriate and sympathetic to their surroundings and heritage assets.

Conclusion

15. For the above reasons I conclude that this appeal should be dismissed.

Chris Pipe

INSPECTOR