



Appeal Decision

Site visit made on 29 January 2026

by Alison Scott (BA Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th February 2026

Appeal Ref: APP/F0935/W/25/3376311

Throstle Nest Inn, King Street, Wigton CA7 9EP

- 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 Steven Barton (Throstles Nest) against the decision of Cumberland Council.
- The application Ref is FUL/2025/0046.
- The development proposed is Create new corridor through store room to rear of property with 1m wide door leading onto beer garden, to add extra fire escape route and better access to beer garden.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is located within the Wigton Conservation Area (CA). I am therefore mindful of my statutory duties in respect of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I note the Council described the application as '*Create new rear door and retrospective planning for decking area*' and this deviates from the appellant's description of the proposal. This is a more accurate description and at the time of my visit an external decking area and glazed enclosure was in place at the rear of the public house above the existing flat roof extension.

Main Issues

4. The main issues are whether or not the proposal would preserve or enhance the character or appearance of the Wigton Conservation Area, and the effect upon the living conditions of the adjacent occupants by way of overlooking and loss of privacy.

Reason

Character and appearance of CA

5. The appeal site lies within the Wigton Conservation Area (CA). Wigton is a small rural market town that has grown organically with King Street one of the town's main arterial routes through it. As far as I could tell, the CA is significant for its simple architectural vernacular of refined Georgian buildings and more decorated Victorian examples that flank King Street and other roads within the CA. Historic shop fronts, blends of architecture, variations to ridgelines creates animation to the street scene with the impressive George Moore memorial fountain lies to the middle of Wigton's market place. It is the centre piece of the town.

6. Consistently, the use of natural materials, coloured render to frontages, contrasting coloured framing around windows, intermingled by red brick finishes creates an interesting aesthetic to the character of the CA.
7. The appeal site as a modern public house of limited architectural merit that sits slightly back from the main road although is still seen within the commercial context of King Street. Its materiality using red and brown brick and render takes some design cues from the CA although to my mind it has a neutral effect upon the significance of the CA.
8. The appellant has erected an external terrace to part of the flat first floor roof of the rear service quarters of the public house, to be used by their family. It includes a hot tub, seating and other domestic effects. Access onto the space is by way of a door from the appellant's own living quarters at first floor level.
9. The glazed panels that surround the decking are in the main constructed using obscure glass with metal upright supports. It has a modern and contemporary appearance to its structure that wraps around a substantial portion of the flat roof. The side of the appeal building contains a number of differing materials from cladding to brickwork with limited consistency to its finished materiality. The CA shares traditional characteristics with its buildings. Whilst there is some variation to finishes of buildings, they are in the majority a very limited pallet of materials. Whilst I accept that the existing bar is of limited architectural merit, by adding further contrasting materials in an elevated position that extends almost to the far end of the ground floor level, would not reinforce local distinctiveness.
10. The green material that appears as artificial grass as a skirt attached to below the balustrade may not require planning permission. However, as part and parcel, it further emphasises the lack of integration between the local distinctiveness of the CA with its simple and consistent use of natural materials, and the jarring effects of the terrace.
11. It is seen from the main road as there is a substantial gap between buildings in this position which affords clear views onto the side of the balustrade. Given its raised location, it is particularly exposed from the street scene and public vantage. This has the effect of detracting from the historic character and overall significance of the conservation area.
12. The appellant points to other appeal decisions for terraces. One appeal in particular refers to the design properties of glazed panels. However, that appeal is a site in another part of the country and is not the same circumstances as the appeal before me. I afford it limited weight, therefore.

Public benefits

13. Paragraph 213 of the National Planning Policy Framework (the Framework) advises that any harm to the significance of the heritage asset should require clear and convincing justification. Also, with reference to the Framework and proposals affecting heritage assets, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the impact of the proposal I find that the harm to be 'less than substantial' in this instance. This harm should be weighed against the public benefits of the proposal.

14. I understand that the appellant has no external space and this would greatly enhance their living quarters. They comment that it would contribute to the long term sustainability and viability of the public house.
15. Whilst it may improve their personal living conditions, this is a private matter to the appellant. There is nothing before me to evidence that the terrace would contribute to the long-term sustainability and viability of the public house for me to consider further.
16. Therefore, there are no public benefits of the scheme before me to amount to a clear and convincing justification to outweigh the harm I have identified. The historic environment would therefore not be preserved.
17. All things considered, I find that the proposal would harm the historic interest of the heritage asset that is the CA as a whole as it would not preserve or enhance the character or appearance of the conservation area and as such be contrary to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. Considerable importance and weight has to be attached to harm to designated heritage assets.
18. Therefore, to conclude on this main issue, the proposal would not preserve or enhance the character or appearance of the CA. As such the proposal would be contrary to the local character, design and heritage protection aims of policies DM14, DM15 and S27 of the Allerdale Local Plan.

Living conditions

19. The terrace sits in an elevated position and behind the appeal site is residential in character. I could see that the closest houses are located on Plasketts Lane. Some of these houses are a reasonable distance away, and their front elevation is seen from the terrace level. However, no direct overlooking would occur into their habitable rooms due to the separation distance. Therefore, no loss of privacy would arise.
20. There are rear gardens and rear elevations of other houses along Plasketts Lane that sit perpendicular to the appeal site. The natural tree cover provides screening benefits to these neighbours' private gardens, and the oblique angle prevents direct overlooking into habitable spaces. This landscaping provides mitigation from overlooking and a loss of privacy. Whilst the landscaping is not within the control of the appellant, nevertheless, there is no evidence before me to suggest that the landscaping would be removed to allow the opportunity for overlooking from the terrace to arise.
21. These things considered, I am not convinced that the proposal would lead to overlooking and a loss of privacy to adjacent occupants. Therefore, to conclude on this main issue, it would accord with the objectives of the Allerdale Local Plan policy S32 with regard to safeguard amenity.

Other Matters

22. Support garnered to the proposal is not sufficient for me to come to an alternative decision on the matter.

23. The proposal would also improve access to the building by way of a new door to be installed for level access. However, that is not to say that the proposed door is reliant on the terrace being in place.
24. Fire safety has been brought to my attention by the appellant although there is nothing before me to support their statement. Furthermore, even if fire safety was an issue, it would not justify a terrace of this size.

Balance and Conclusion

25. I have found that the living conditions of the adjacent occupants would be safeguarded. However, the character and appearance of the CA would not be preserved or enhanced by the proposal and therefore the appeal must fail.
26. Therefore, the proposed development would lead to conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. For the reasons given, I conclude that the appeal should not succeed.

Alison Scott

INSPECTOR