



Appeal Decisions

Site visit made on 28 April 2026

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2026

Appeal A Ref: APP/V2004/Y/25/3371643

The Polar Bear, 229 Spring Bank, Kingston Upon Hull HU3 1LR

- 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 Mark Hall against the decision of Kingston-Upon-Hull City Council.
 - The application Ref is 24/00382/LBC.
 - The works proposed are replacement of back bar, installation of window vinyls, painting of fascias and external doors and windows.
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Appeal B Ref: APP/V2004/H/25/3371638

The Polar Bear, 229 Spring Bank, Kingston Upon Hull HU3 1LR

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by The Polar Bear against the decision of Kingston-Upon-Hull City Council.
 - The application Ref is 24/00381/ADV.
 - The advertisement proposed is display of non-illuminated window vinyls at ground floor level on north and west elevations (application for advertisement consent).
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both advertisement and listed building consent appeals for the same site and in so far as it relates to the window vinyls the same scheme. To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter, using the description from the Council's decision notices. These accurately and succinctly describe the extent of the advertisement/works. The advertisements/works subject of this appeal have been undertaken, and I am dealing with the appeals retrospectively. However, I have omitted the word retrospective from the banner heading as this is not a description of either the advertisements or works. My assessment has been limited to that applied for and not any other works undertaken.
4. As the appeal site is in a conservation area and relates to a listed building, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) in so far as they are relevant to these appeals.

Main Issues

5. The main issues are:

- Whether the works preserve a Grade II listed building or its setting, known as The Polar Bear, and any features of special architectural or historic interest which it possesses and whether it preserves or enhances the character or appearance of the Spring Bank Conservation Area (Appeal A); and
- The effects of the advertisements on the visual amenity of the area with particular regard to heritage assets (Appeal B).

Reasons

Special interest/significance

6. The Polar Bear is a Public House dating from 1895 and was designed by the locally renowned architects Freeman Son and Gaskell on the site of a former Public House. It sits prominently on a corner plot with a frontage on both Derringham Street and Spring Bank.
7. The list description summarises the importance of The Polar Bear referring to the quality of its interior fixtures and fittings dating to the 1922 refurbishment of the building. Of particular note is the ceramic bar counter front, which is said to be one of a small number still surviving in England. From my observations I agree with this assessment.
8. There is a very strong regularity and rhythm to the fenestration and pilasters on the ground floor. Moreover, the use of brick at the first floor provides a contrast to the ground floor materials but it also retains its own strong regularity and rhythm to the fenestration and architectural detailing. Internally the building has retained much of its ornate architectural detailing, including its impressively long front ceramic bar, fitted bench seating forming curved bays and the domed ceiling in the 1922 extension which incorporates a stained glass top light.
9. In so far as it relates to these appeals, the significance of the listed building, is largely derived from its architectural, historic and cultural interests as a late nineteenth century Public House from its historic fabric, classical architectural detailing and fenestration, from its internal plan form and ornate internal detailing.
10. Spring Bank is a long straight road characterised by predominantly two and three storey buildings. The buildings include blocks of terraces with commercial premises at the ground floor creating a busy vibrant street. Although there is a mix of architectural styles, the layout and appearance of groups of buildings and their scale, high quality traditional materials and fine craftsmanship contributes to the significance of the Spring Bank Conservation Area (CA).
11. As a well-preserved nineteenth Century Public House, located at a busy road intersection, with distinctive architectural detailing, The Polar Bear is a positive feature of the street scene and its wider location in the community. In this regard the heritage interests and value of the appeal building positively contribute to the character and appearance of the Spring Bank CA as a whole, and thereby to its significance as a designated heritage asset.

Appeal proposals and effects

12. The replacement back bar is constructed from untreated timber and glass bricks and includes exposed screws, bolts and metalwork resulting in a modern industrial bar design. This jars injuriously with the historic fabric and design of the front ceramic bar, and the finish, design and appearance of the existing woodwork within the bar area. I accept that the use of mock timber from the 1980's does not contribute positively to the significance of the listed building. However, taken together the replacement back bar overtly contrasts with the aesthetic of both the historic surviving features and the remaining elements from the 1980's renovation within the bar area.
13. Overall, the replacement bar has imparted a more overtly modern industrial appearance to the bar area which has diminished the aesthetical and historical interest of this part of the listed building.
14. Due to the combination of the number, size and metallic silvery finish of the window vinyls, they detract and distract from the traditional timber and glass materials of the existing fenestration. It seems to me that the painting of the fascias and the external doors and windows has been undertaken in a playful colourful manner that reflects the artistic ethos of the music side of the business. However, the vibrant eye-catching design combined with the length of the fascia as it wraps around the building, in combination with the silvery metallic finish of the window vinyls overtly clashes with the more traditional materials, finish, and classical architectural detailing of the building. It therefore has a harmful impact on the special interest of the listed building. It follows that these external works also have a harmful impact on the character and appearance of the CA.
15. Change to a heritage asset does not automatically result in harm to its significance. It can also be positive or neutral, and it only becomes harmful if the identified special interest is eroded. Also, conservation is an active process of managing change to heritage assets in ways that sustain, reveal, or reinforce their heritage interests. However, in this instance, the works have weakened the heritage interests of the listed building.
16. My attention has been drawn to other window vinyls in the Public House opposite. However, these occupy a much smaller proportion of the window panes and my concerns are not the principle of window vinyls but the specific design of the scheme before me.
17. Drawing the above together, the works in Appeal A fail to preserve the special interest of the Grade II listed building, and fail to preserve or enhance the character and appearance of the CA. As a result, the expectations of the Act have not been met, and the works harm the significance of these designated heritage assets. Moreover, the advertisements in Appeal B have a harmful effect on the visual amenity of the area with particular regard to heritage assets.

Public benefits

18. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through

alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

19. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage asset, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
20. In this instance, as the harm would relate to a small part of the building relative to its size and features of special interest and is ultimately reversible, albeit in place permanently I find that the harm to the listed building and the CA, individually and cumulatively, would be 'less than substantial' and toward the lower end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
21. There would be social and economic benefits arising from the works through the promotion of the business, art, inclusivity and by potentially deterring incidents of anti-social behaviour.
22. I recognise that there is a tension between the requirement to preserve the listed building and ensure that the business remains economically viable in what is a challenging period for the industry. I have no doubt that the signage and painted fascia and doors have helped enhance the presence of the business in the street. However, I have not been made aware of all circumstances surrounding the previous uses so cannot know the degree to which the works subject of this appeal, or lack of it, contributed to the demise of those businesses. Moreover, I am not presented with any substantive evidence that alternative, less harmful options would have a detrimental effect on the viability of the business. Accordingly, clear and convincing justification for the harm that has occurred to the significance of the designated heritage assets because of the works, has not been provided.
23. From the correspondence provided I note that the appellant was willing to discuss changes to the scheme with the view to finding a solution. However, I must determine the appeals based on the merits of the scheme before me.
24. Drawing the above together, in relation to Appeal A, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the great weight that I attach to the harm I have identified. Accordingly, the proposal would be contrary to the requirements of the Act, the Framework and Policy 16 of the Council's Local Plan. These say, amongst other things, that development that would cause harm to the significance of a designated heritage asset will only be approved where it has been convincingly demonstrated that the harm cannot be avoided and there would be public benefits sufficient to outweigh the harm or loss caused.
25. In relation to Appeal B, the Council has cited Policy 20 of the Local Plan, SPD 8 and the Framework in its decision notice. I have taken them into account as material considerations. However, the power to control advertisements under the Regulations may be exercised only in the interests of public safety and amenity. Consequently, they have not, in themselves, been decisive in my determination of Appeal B. Moreover, as the power to control advertisements under the regulations

is exercised in the interests of public safety and amenity, the social or economic benefits emanating from the advertisements do not outweigh my findings of harm to the amenity of the area in this main issue.

Conclusion

26. **Appeal A:** For the reasons given, Appeal A is dismissed.

27. **Appeal B:** For the reasons given, Appeal B is dismissed.

Mr R Walker

INSPECTOR