

## Appeal Decision

Site visit made on 3 October 2016

**by Helen Cassini BSc(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 17 October 2016**

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**Appeal Ref: APP/W0910/W/16/3152826**

**54 Duke Street, Barrow-in-Furness, Cumbria LA14 1RU**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Steve Johnson of Birbeck Pub Company against the decision of Barrow-In-Furness Borough Council.
  - The application Ref B18/2016/0021, dated 1 December 2015, was refused by notice dated 3 March 2016.
  - The development proposed is the construction of new car park for Jefferson Hotel.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. At the time of my site visit, the perimeter fencing on the appeal site was in-situ and was constructed from a green welded mesh.

### Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Central Barrow Conservation Area (the CA).

### Reasons

4. Due to the proposed location of the site adjacent to the CA, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area. In this respect national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework).
  5. The Central Barrow Conservation Area Appraisal 2005 (the CBCAA) describes the significance of Duke Street being due to the street being one of the principal axis around which the grid of streets within the town is constructed. In addition, the uniformity of the building line to either side of the wide street and generous pavements gives the street a consistency of character. The CBCAA further states that one of the most notable views within the CA is along the axes of Abbey Road and Duke Street.
  6. The appeal site is located in a mixed commercial and residential area and is situated on the site of a former public house. From the evidence before me, I
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understand that the public house was demolished due to health and safety concerns and the existing fencing was erected as a temporary measure in order to secure the site. The proposed development is to utilise the land for car parking for the Jeffersons Hotel, which is located directly opposite the appeal site.

7. I note that the Council accepts that the likelihood of re-development of the site is negligible and that the principle of car parking on the site is acceptable. I have no evidence before me which leads me not to concur with this view.
8. The appeal site is located just outside the CA and is set adjacent to the substantial Wilkinsons building. Views of the site are, on the whole, experienced only in the short to medium range. Nevertheless, given the scale of the fencing and its modern character, it appears as an uncharacteristic intrusion within the street scene and fails to appear as a sympathetic addition to the CA.
9. I therefore consider that the proposal would fail to preserve or enhance the character or appearance of the CA. Whilst the harm identified would be less than substantial, this harm, in accordance with paragraph 134 of the Framework should be weighed against the public benefits of the proposal.
10. I acknowledge that the proposed development would be of benefit to the refurbished hotel as it would reduce the need for on-street parking within the immediate locality and that the use of the welded mesh fencing would provide additional security to the site. However, I have no substantive evidence before me which confirms the regular occurrence of anti-social behaviour in or near the appeal site.
11. I accept that discussion with regards to potential amendments to the scheme have been undertaken between both parties. I acknowledge the suggested amendment to alter the colour of the mesh fencing. However I do not consider that a different colour would be sufficient to overcome the level of harm identified. Furthermore, I note that discussions relating to an alternative design, similar to that of the car park at Ramsden Square, have not progressed due to the cost implications for the appellant.
12. It is clear from local planning policies that any development within the CA should not be at the expense of the character and appearance of the area. Although I have considered all the matters that have been raised in the representations, I have found nothing to cause me to alter my decision. As such, given the harm identified, I find that the proposal does not amount to public benefit of sufficient weight to outweigh the harm that would be caused to the CA.
13. The appellant has made reference to a number of car parks within both the immediate locality and the wider area. From my visit I noted that the design of the car parks and their external boundary works varied both in scale and finish. I also note the references made to the Wilkinsons building and Furness Building Society frontages and other examples of works undertaken on Duke Street. However, rather than providing justification for the development in question, if anything, the presence of these examples point to a need for such proposals to be carefully controlled if the character and appearance of the CA is to be safeguarded.

14. Moreover, I have little information relating to the car park examples provided and cannot be certain that their particular circumstances are similar to the appeal scheme. In any event each proposal should be assessed on its own merits, as I have done in this particular instance.
15. I therefore find that the proposal would cause harm to the character and appearance of the CA and is therefore contrary to saved Policy D15 of the Barrow-in-Furness Borough Council Local Plan Review 2001 which, amongst other things, seeks to preserve or enhance the character and appearance of conservation areas. It would also be inconsistent with the Framework which seeks to ensure that new development makes a positive contribution to local character, distinctiveness and enhances heritage assets.

**Conclusion**

16. For the above reasons, and having regards to all matters raised, I conclude that the appeal should be dismissed.

*Helen Cassini*

INSPECTOR