

Barrow-in-Furness Local Area Planning Committee

Report Title:	Appeal Decision
Meeting:	Planning Committee
Meeting Date:	13.02.24
Report Author:	Adrian Adams
Wards Affected?	Walney North Ward
PUBLIC	
List of Appendices (if any)	1. Appeal Decision Notice

1. Executive Summary

1.1 Appeal decision from the refusal of 2023/0469

2. Recommendation

For the reasons set out in this report, it is recommended that -

2.1 To be noted

3. Information: The Rationale and Evidence

3.1 Appeal dismissed and the Council's reasons for refusal upheld

4. Link to Council Plan Priorities: (People, Climate, Communities, Economy and Culture, Customers, Workforce)

4.1 Local Planning Policies DS5 and HE1

5. Consultation Outcomes (with services, ward councillors & public consultation where required)

5.1 N/A

6. Alternative Options Considered

6.1 N/A

7. Financial Implications and risk

7.1 N/A

8. Legal & Governance Implications

8.1 N/A

9. Human Resources Implications

9.1 N/A

10. **Equality & Diversity Implications** (including the public sector equality duty, Armed Forces Families, Care Leavers and Health inequalities implications)

10.1 N/A

11. Background Information & Sources (used in preparation of this Report)

Planning Application No/Appeal Ref	Site	Description of Development	Decision
2023-0469 Appeal Ref: APP/K0940/Z/23/3330549 Delegated Refusal 07.09.2023	Advertising site to the south of Chairman's Walk, Barrow-in-Furness, Cumbria	Advertisement consent for the conversion of a poster display hoarding to digital.	D-17.01.2024

11.1 Inspector's Reasoning

Issues -

11.2 The Inspector determined that the main issues were the effect of the proposed advertisement upon the amenity of the local area.

11.3 The site comprises an advertisement hoarding on Chairmans Walk, on the Promenade in Barrow-in-Furness, situated within the North Vickerstown Conservation Area (the CA) and some distance to the north of the Grade II Listed Building of St Mary's Church (the Listed Building). The application proposed to convert the current poster advertisement to a digital display.

11.4 The Inspector stated that whilst the proposed digital poster display would be of the same size as that of the existing poster board, the appearance of the display would cause the proposal to be more dominant in this immediate location than the current poster. Even among the signage for the Ferry Hotel, it would appear as an overtly contemporary and out of place addition in this section of the CA due to its illumination and digital nature reading as incongruous and visually jarring.

11.5 The Inspector also stated that the digital poster display would also adversely affect the setting of the Grade II Listed St Mary's church to the south of the site.

11.6 The Inspector concluded that the proposal would harm amenity and would conflict with Policies DS5, HE1 of the Local Plan and dismissed the appeal on that basis.



Appeal Decision

Site visit made on 10 January 2023

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 17 January 2024

Appeal Ref: APP/K0940/Z/23/3330549

Chairmans Walk, Barrow-in-Furness, Cumbria LA14 3PE

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Adil Iftakhar (Wexham Homes Ltd) against the decision of Westmorland and Furness Council
 - The application Ref B22/2023/0469 dated 12 July 2023 was refused by notice dated 7 September 2023.
 - The advertisement proposed is conversion of poster advertisement display to digital.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Regulations, National Planning Policy Framework (the Framework) and Planning Practice Guidance state that advertisements should be subject to control only in the interests of public safety and amenity. I have taken into account Policies DS5, HE1 and HE4 of the Barrow Borough Local Plan 2016-2031 (the Local Plan). These policies seek to protect amenity and are material in this case but are not determinative in reaching a decision on the appeal.
3. Since the determination of this application, the Government published a revised Framework on 19 December 2023. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach. Where I have referred to paragraphs of the Framework, I have used the revised version.
4. Reference is made in the Officer's Report to the proposal causing 'less than substantial harm' to the surrounding conservation area. However, for the avoidance of doubt, paragraphs 205-209 of the Framework relate to heritage-related consent regimes under the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) and are not relevant to advertisement consent appeals. I have proceeded on this basis.

Main Issue

5. The main issue in this case is the effect of the proposed advertisement on the visual amenity of the area.

Reasons

6. The site comprises an advertisement hoarding on Chairmans Walk, on the Promenade in Barrow-in-Furness, situated within the North Vickerstown Conservation Area (the CA) and some distance to the north of the Grade II Listed Building of St Mary's Church (the Listed Building). The proposal seeks to convert the current poster advertisement to a digital display.
7. A Heritage Statement has been provided with the appeal, which states that the CA is an early 20th century residential suburb, made up of back-to-back terraced rows of roughcast exteriors with timber gables and larger two-storey semi-detached arts and crafts style houses. It outlines that the CA derives its significance as an intact example, both in terms of layout and character, of a planned, model, industrial settlement. Based on my observations, I have no reason to disagree with this description.
8. While the immediate surrounds of the appeal site are primarily commercial due to the Ferry Hotel and visible industry across the Jubilee Bridge, it remains that the adjacent hotel's style and appearance reflects the wider CA. Despite visible later additions, it retains a roughcast exterior similar to the nearby housing, with upper front turrets reminiscent of the timber gables. Although the current poster display is prominently located beside this hotel, due to its non-illuminated nature it remains somewhat muted, respecting the overarching traditional style of both the hotel and the wider CA.
9. The scale and positioning of the proposal would match that of the existing poster display, an example of which has been present at the site for some time in accordance with the submitted evidence. However it would vary significantly as it would display digital images that, although static, would change on a 10 second sequential rotation and be significantly sharper images than those that could currently be displayed. In particular, while the illumination levels could be conditioned to levels that comply with best practice guidance, this element of the proposal would increase its prominence both during the day and night when compared with the current poster display.
10. All of these factors would cause the proposal to be more dominant in this immediate location than the current poster. Even among the signage for the Ferry Hotel, it would appear as an overtly contemporary and out of place addition in this section of the CA due to its illumination and digital nature reading as incongruous and visually jarring. Insofar as it relates to visual amenity, my duty under section 72(1) of the Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Overall, even given its position set back from the road against a backdrop of trees, the proposal would detract from the overarching traditional character of both the immediate part of the CA and its wider area.
11. The site is also located some distance to the north of the Listed Building, which dates from the early 20th Century and is noted for its gothic revival style. The statutory duty under section 66(1) of the Act only applies to the consideration of whether to grant planning permission. However, I have considered the contribution the Listed Building makes to the general characteristics of the area in terms of amenity. It sits within an elevated position so as to be a notable and prominent building readily experienced within the immediate area, particularly when travelling west along the Jubilee Bridge, contributing positively to the immediate character due to its traditional appearance.

12. While the site is some distance from the Listed Building, with an element of screening provided by intervening landscape features, I observed that it remains visible from certain parts of the grounds of the Listed Building. In addition, from the Jubilee Bridge the site lies within the setting of the Listed Building, clearly visible in conjunction with it. As a result of its positioning, digital design and illumination, the proposal would be a highly prominent and incongruous addition which would visually compete with the Listed Building, detracting from and failing to preserve its setting. Given the importance of the Listed Building to the general character of the area, this would be harmful to visual amenity.
13. Paragraph 141 of the Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed. Overall, while I acknowledge the findings of the appellant's Heritage Statement, based on my observations the proposal would, for the reasons given above, have a harmful effect on the visual amenity of the area.
14. Given that I have concluded that the proposal would harm amenity, it conflicts with Policies DS5, HE1 and HE4 of the Local Plan, which seek to ensure that development contributes to the character, appearance and historic interest and value of streetscenes and heritage assets, including their setting.

Other Matters

15. The appellant has referred to the high quality of the proposal compared to current poster display which is showing signs of vandalism. While this is acknowledged, it remains that the poster display would, for the reasons outlined above, cause harm to the visual amenity of the area that would not be outweighed by this. The main parties agree that the proposal would not result in harm to public safety or highway safety. This represents a lack of harm which is neutral in the planning balance.

Conclusions

16. Having had regard to all matters raised, the appeal should be dismissed.

C Rafferty

INSPECTOR

Appeal Decisions Sept 2023 to date

A – Appeal is allowed
D – Appeal is dismissed

Planning Application No/Appeal Ref	Site	Description of Development	Decision	Reported to Members
2022/0709 Appeal ref : APP/W0910/W/23/3319147 Committee Refusal against officer recommendation	52 Paradise Street Barrow-in-Furness	Conversion of existing building to 14 bed HMO	A-08.12.23	December 2023
2023/0163 Appeal Ref : APP/W0910/W/22/3324052 Delegated Refusal	2 Castle View, Barrow-in-Furness, Cumbria, LA14 3YB	Loft conversion, including side dormers forming two bedrooms in loft and bathroom	D-10.8.23	Sept 2023
2022/0291 Appeal Ref: APP/W0910/W/22/3308866 Committee Refusal against officer recommendation	Furness Abbey, Barrow-in-Furness	Installation of new statue in memory of Sir John Laing	A-07.8.23	Sept 2023
2022/0723 Appeal Ref: APP/W0910/D/23/3316082 Delegated Refusal	61 Dover Street, Barrow-in-Furness, Cumbria	Erection of balustrade to form rear balcony area on existing roof	D-01.8.23	Sept 2023

2022-0763 Appeal Ref : APP/W0910/W/23/ 3314824 Delegated Refusal	Rock Lea, Barrow-in- Furness Cumbria, LA13 9FA	Erection of approved house type but constructed with eaves 1m taller (retrospective).	A-24.7.23	Sept 2023
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