

**SCHEDULE B**

**SCHEDULE B**

## SCHEDULE B: Reports Requiring Further Information

21/0700

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**Item No: 10**

Date of Committee: 08/04/2022

**Appn Ref No:**  
21/0700

**Applicant:**  
Mr Geoff Hall

**Parish:**  
Stanwix Rural

**Agent:**  
Plan B Building Drawing  
Limited

**Ward:**  
Stanwix & Houghton

**Location:** 5 Chestnut Grove, Linstock, Carlisle, CA6 4RS

**Proposal:** Erection Of Single Storey Front Porch To Provide Entrance Lobby & WC

**Date of Receipt:**  
30/07/2021

**Statutory Expiry Date**  
24/09/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Stephen Daniel

**1. Recommendation**

**2. Main Issues**

**3. Application Details**

**4. Summary of Representations**

4. This application has been advertised by means of notification letters sent to three neighbouring properties. In response five letters of objection (four from the same household) have been received which raise the following points:

- No measurements on plans.
- Restricts and adversely alters the frontage of the property.
- Changes the agricultural style of the converted barn.
- Covenants exist on the properties.
- Unclear if proposed building style and materials conform to the restrictions on the original permission.
- Inaccurate plans.

- no reference to how WC will be connected to the mains and what impact this may have.
- Piecemeal alterations to the original structure will create problems and further applications of a similar nature are likely to be made.
- When considering this application reference should be made to previous applications 99/0024 & 12/0803.
- The approval allows the LPA "to protect the character, integrity and appearance of the building and its setting" - this reason is still valid.
- The site and front elevation can be seen from Hadrian's Wall Footpath.
- This is a substantial extension in relation to the size of the property.
- The original plans were approved and designed to retain the buildings agricultural features.
- Potential lighting could affect the occupiers of neighbouring properties.
- Concerned about effluent smells affecting neighbouring properties.
- The building is a barn and should not look like a terraced house.

## 5. Summary of Consultation Responses

**Stanwix Rural Parish Council:** - Recommends determination in accordance with local and national planning and conservation policy and guidance;  
**Historic England - North West Office:** - No comments.

## 6. Officer's Report

## 7. Planning History

- 4.1 In April 1994, planning permission was granted for the conversion of barn to two dwellings and erection of five linked houses (94/0193).
- 4.2 In September 1997, planning permission was granted for erection of 4no. dwellings and conversion of existing barn into 3no. 2 bedroom dwellings (97/0209).
- 4.3 In February 1999, planning permission was granted for the conversion of existing barn into 3no. dwellings (revision) (99/0024).
- 4.4 In November 2012, planning permission was granted for single storey rear extension to provide enlarged kitchen, enlargement of existing window to form french doors, creation of patio area together with erection of fence (12/0803).
- 4.5 In August 2015, planning permission was granted for the erection of detached garden room; change of use of unused land to incorporate into garden area with hardstanding for car parking (15/0604).

## 8. Recommendation:



# Appeal Decision

Site visit made on 14 February 2022

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24<sup>th</sup> February 2022**

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**Appeal Ref: APP/E0915/D/21/3288392**

**5 Chestnut Grove, Linstock, Carlisle CA6 4RS**

- 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 Geoff Hall against the decision of Carlisle City Council.
  - The application Ref 21/0700, dated 7 July 2021, was refused by notice dated 24 September 2021.
  - The development proposed is erection of single storey front porch to provide entrance lobby & wc.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the appeal property.

## Reasons

3. The appeal property is the end home of three within a converted former barn. The building retains a strong but simple linear form, particularly along its front elevation. Visible ventilation slits (now blocked up) are evident on the gable elevations whilst the timber panels below the window openings provide further references to the building's previous use as a barn. Whilst the building lies within a modern residential setting, it retains sufficient elements that hint at its previous function and character and provide a contextual link with other older properties nearby.
4. The proposed porch would be a not inconsiderable addition to the front of property. Its width would be substantial in the context of the appeal property's frontage and it would be a dominant and disruptive addition to the front of No. 5. It would, as a consequence, dominate and disrupt the strong and simple linear form otherwise present across the building's frontage and erode the retained character of the building as a converted former barn. The context within which the appeal building lies is noted, but so too is that of the converted range of which it forms part.
5. Carlisle Local Plan (LP) policy SP6 sets out the Council's approach to securing good design and states, amongst other things, that proposals should respond to local context, form massing and detailing (criterion 1) and take into account the historic environment (criterion 4) whilst LP policy HO8 states that house extensions should relate to, and complement the existing building in scale, design and form. For the reasons I have set out, the proposal would fail to do so and would thus be in conflict with LP policies SP6 and HO8.

6. The incorporation of an oak entrance frame is noted and, together with the glazed panels on one corner of the proposed porch, would be an attractive element of the proposal. However, these features would not alter the form of the proposed extension or its impact on the form or character of the appeal property and do not, as a consequence, alter my conclusions set out above.

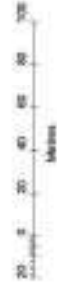
**Conclusion**

7. For the reasons set out above, and having considered all other matters raised, I conclude that this appeal should be dismissed.

*G Robbie*

INSPECTOR

Latitude Vector Map



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Site location in the north scope

Plan 1 B1 Building Drawing Ltd.

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 OX4 2DQ, UK  
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Project: ALL FORMER AND FUTURE WORKS

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## SCHEDULE B: Reports Requiring Further Information

21/0756

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**Item No: 11**

Date of Committee: 08/04/2022

**Appn Ref No:**  
21/0756

**Applicant:**  
Mr S Mohammed

**Parish:**  
Carlisle

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Cathedral & Castle

**Location:** 30 Lismore Street, Carlisle, CA1 2AH

**Proposal:** Installation Of 2no. Internally Illuminated Fascia Signs

**Date of Receipt:**  
02/08/2021

**Statutory Expiry Date**  
27/09/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

**1. Recommendation**

**2. Main Issues**

**3. Application Details**

**4. Summary of Representations**

4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 15 neighbouring properties/interested parties. During the consultation period 10 objections have been received.

4.2 The objections cover a number of matters which are summarised as follows:

1. illuminated lighting is out of keeping for the residential street;
2. concern that applicant is not adhering to planning rules and regulations and is continuing works without the relevant consents;
3. applicant is already advertising the opening hours on his website, van and

signage;

4. applicant has already demolished the ground floor of the building and it is beyond repair;
5. signage is already in situ on the wall;
6. queries regarding opening hours, how rubbish, cooking oils etc will be disposed, where staff/delivery drivers will park, will the premises be illuminated after hours?
7. object to signs with lights especially if they are intended to be left on outside opening hours;
8. property is adjacent to a conservation area and is highly inappropriate;
9. impact on light pollution;
10. illuminated signage is not inkeeping with Victorian architecture of the area;
11. highway safety from illuminated signage;
12. signage is out of keeping with quiet residential area;
13. impact upon residential amenity from light shining in windows;
14. other commercial properties in the area have no illuminated signage;
15. previous takeaway operated successfully without illuminated signage;
16. impact upon house prices;
17. the commercial establishment should be located elsewhere in the city;  
and
18. application should be accompanied by a Flood Risk Assessment.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection.

## **6. Officer's Report**

## **7. Planning History**

- 7.1 The most relevant planning history is as follows:



- 7.2 In 1990 Full Planning Permission was granted for change of use from Use Class A1 to Use Class A3 (reference 90/0579);
- 7.3 In 1990 Advertisement Consent was granted for canopy adverts (reference 90/1003);
- 7.4 In 1991 Full Planning Permission was granted for renewal of permission for fish and chip shop (reference 91/0663);
- 7.5 In 1992 a variation of condition no.4 attached to 91/0663 was granted to allow opening on certain bank holidays (reference 92/0128);
- 7.6 In 1992 Advertisement consent was granted for installation of 4no.swan necked lights to illuminate existing canopies (reference 92/0126);
- 7.7 In 1997 Full Planning Permission was refused for the variation of condition 4 attached to permission no.91/0663 to allow premises to stay open between 11:30hrs to 22hrs Monday to Saturday. An Appeal was subsequently submitted and allowed subject to the imposition of a condition allowing the premises to stay open between 11:30 to 21hrs Monday to Saturday and not at any time on Sundays, Bank or Public Holidays;
- 7.8 In 2000 Full Planning Permission was granted for variation of condition to allow permission to be exercised by Mrs S Kidd (reference 00/0737);
- 7.9 In 2005 Full Planning Permission was granted for removal of condition no.3 of planning permission 00/0737 (reference 05/0773);
- 7.10 In 2021 an application was submitted seeking Full Planning Permission for the installation of a new shop front (reference 21/0759). At the time of preparing this report application 21/0759 was undetermined;
- 7.11 In August 2021 a Variation of Condition application was refused for the variation of condition 1 (opening hours) of previously approved permission 05/0773 to open takeaway 08:00-23:00 hours Monday to Sunday (7 days) including Bank Holidays (reference 21/0730); and
- 7.12 In August 2021 Advertisement Consent was refused for the continuation of display of non illuminated wall mounted signage (reference 21/0806).

## **8. Recommendation:**

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## Appeal Decisions

Site visit made on 19 March 2022

**by D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 March 2022

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### **Appeal A: APP/E0915/H/21/3283163**

**30 Lismore Street, Carlisle, Cumbria CA1 2AH**

- 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 S Mohammed against the decision of Carlisle City Council.
  - The application Ref 21/0806, dated 9 August 2021, was refused by notice dated 3 September 2021.
  - The advertisement proposed is a wall sign.
- 

### **Appeal B: APP/E0915/H/21/3285905**

**30 Lismore Street, Carlisle, Cumbria CA1 2AH**

- 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 S Mohammed against the decision of Carlisle City Council.
  - The application Ref 21/0756, dated 19 July 2021, was refused by notice dated 13 September 2021.
  - The advertisement proposed is the installation of 2 No internally illuminated fascia signs.
- 

## Decisions

### **Appeal A: APP/E0915/H/21/3283163**

1. The appeal is dismissed.

### **Appeal B: APP/E0915/H/21/3285905**

2. The appeal is dismissed.

## Procedural Matters

3. In respect of appeal B, I have taken the description of development from the Council's refusal notice as it more accurately describes the appeal proposal.
4. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

5. I have determined an appeal for shop front alterations at the site and this is the subject of a separate appeal decision.<sup>1</sup>

### **Main Issue**

6. The main issue in respect of both appeals is the effect of the signage on the visual amenity of the area.

### **Reasons**

#### **Appeal A: APP/E0915/H/21/3283163**

7. It is proposed to retain a non-illuminated wall sign measuring about 2.6 metres by 1.3 metres on the Lismore Street elevation. The wall sign has blocked up an original ground floor window opening. The sign has a black background with white lettering and a yellow, white, red and blue logo.
8. The appeal property falls within a terrace where the ground floor and first floor windows are aligned. In this regard, there is a pleasing sense of design symmetry relating to the appeal property and the wider terrace. The sign has been installed over a ground floor window and it materially detracts from the aforementioned design symmetry. This harm is exacerbated in so far that the advertisement is large as a proportion of the ground floor elevation and includes bright colours in an area where surrounding building materials and other advertisements are finished in muted tones.
9. For the above reasons, I conclude that the wall sign appears incongruous in the street-scene, and on the appeal property, and hence significant harm has been caused to the amenity of the area. Consequently, it does not accord with the visual amenity requirements of policy SP6 of the Carlisle District Local Plan 2015-2030 (LP) and paragraph 136 of the National Planning Policy Framework 2021 (the Framework).

#### **Appeal B: APP/E0915/H/21/3285905**

10. It is proposed to install one illuminated fascia sign above a new shop front on the Lismore Street elevation and one illuminated fascia sign above a new shop front window on the Broad Street elevation. The aluminium signs would have a black background with white vinyl lettering and a yellow, white, red and blue logo. The application form states that the illumination would be static, but no details of illuminance levels have been provided.
11. I have separately found that the proposed shop front alterations would be harmful as part of the determination of a separate appeal. In combination with the shop front alterations, the advertisements would have the effect of departing unacceptably from the consistency of window proportions and fenestration details within the building and wider terrace that existed prior to unauthorised works commencing at the appeal site.
12. Furthermore, this is a predominantly residential area and while I do not have final illuminance details, I am concerned that the use internally illuminated signs would appear as stark and brash additions in this environment, at odds with the traditional simplicity of the Victorian buildings and architecture in the locality. This harm would be compounded in so far that the signs would include

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<sup>1</sup> APP/E0915/W/21/3285877

the use of bright colours in an area where surrounding building materials and other advertisements are finished in muted tones.

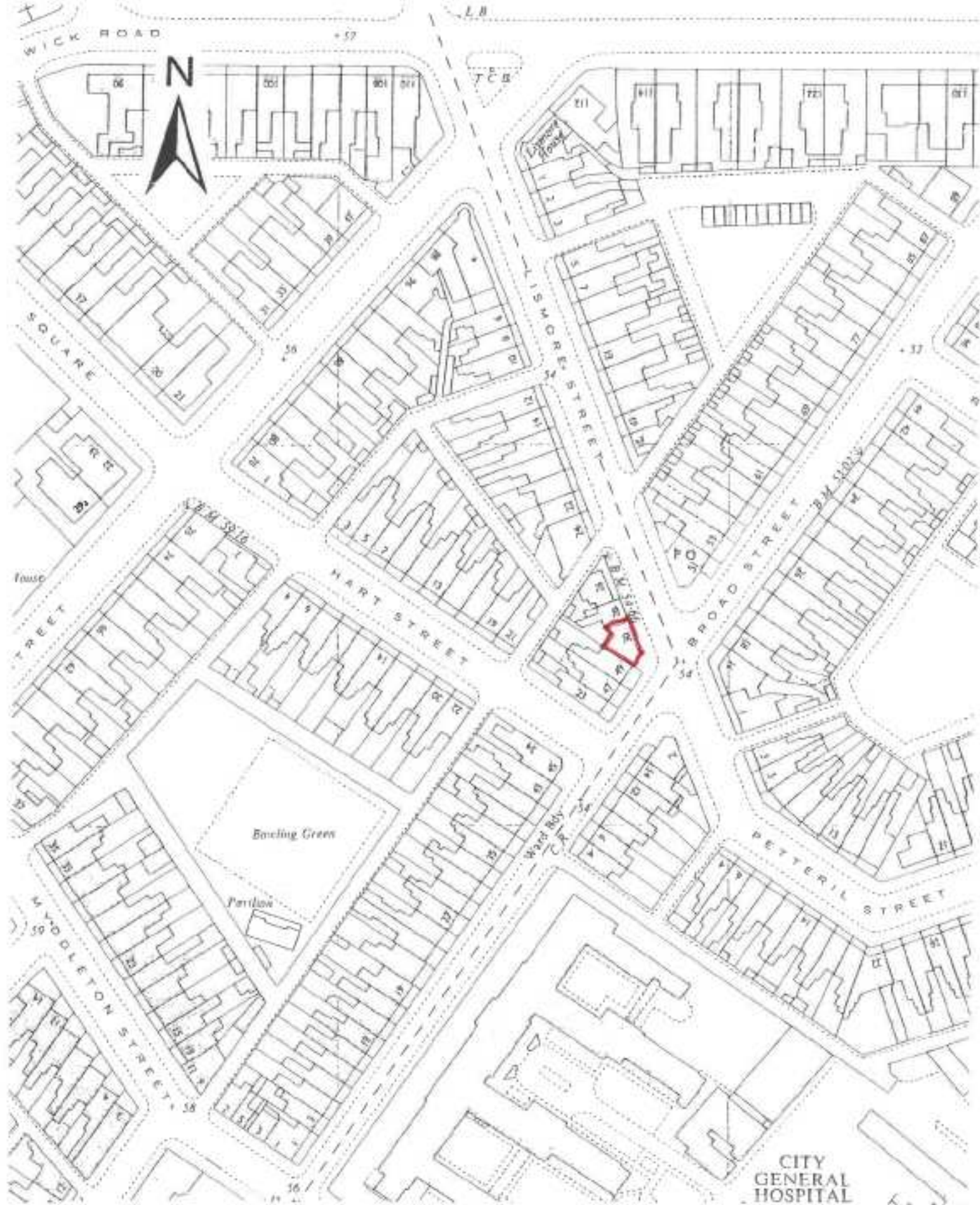
13. For the above reasons, I conclude that the proposed fascia signs would have a deleterious impact on the street-scene and the appeal property. Therefore, significant harm would be caused to the visual amenity of the area. Consequently, the proposal would not accord with the visual amenity requirements of policy SP6 of the Carlisle District Local Plan 2015-2030 (LP) and paragraph 136 of the National Planning Policy Framework 2021 (the Framework).

#### **Conclusions – Appeal A and B**

14. For the reasons outlined above, I conclude that both Appeal A and Appeal B should be dismissed. In reaching the above conclusions, I have taken into account the appellant's comment that the intention of the signs is to attract the attention of potential customers. I do no doubt that it would be possible to have some signage on the building, as was the case previously, without harm being caused to the visual amenity of the area. However, in this case the appellant's desire to attract the attention of customers does not outweigh my identified harm.

*D Hartley*

INSPECTOR



**PROPOSED REPLACEMENT SHOP FRONT - 30 LISMORE STREET - CARLISLE**

**LOCATION PLAN**

**DRG. NO. 3294/1**

**SCALE : 1-1250**

## SCHEDULE B: Reports Requiring Further Information

21/0759

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**Item No: 12**

Date of Committee: 08/04/2022

**Appn Ref No:**  
21/0759

**Applicant:**  
Mr S Mohammed

**Parish:**  
Carlisle

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Cathedral & Castle

**Location:** 30 Lismore Street, Carlisle, CA1 2AH

**Proposal:** Installation Of New Shop Front (Part Retrospective)

**Date of Receipt:**  
29/07/2021

**Statutory Expiry Date**  
23/09/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

**1. Recommendation**

**2. Main Issues**

**3. Application Details**

**4. Summary of Representations**

4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 15 neighbouring properties/interested parties. During the consultation period 17 objections have been received.

4.2 The objections cover a number of matters which are summarised as follows:

1. object to proposed opening hours and delivery service due to disturbance to the amenity of residential properties and proposal exacerbating existing parking issues;
2. impact on health and wellbeing;

3. design of shop not inkeeping with character of the local area or Victorian architecture;
4. shop previously had a traditional shop front;
5. works have already commenced on removing the existing shop front before the submission of the application and are now possibly irreversible;
6. works undertaken have altered the Lismore Street elevation as Victorian long window has been removed and bricks removed to ground level;
7. illuminated sign is inappropriate for residential area not in keeping with the Victorian area;
8. impact upon highway safety;
9. proposal is contrary to policies EC7, EC8 and HO12 of the Carlisle District Local Plan 2015-2030;
10. signage is already affixed to the building and is poor quality not inkeeping with the character of properties in the vicinity;
11. concerns that the applicant has commenced work without planning permission and would not adhere to any future planning conditions;
12. building should be reinstated to its condition prior to the unauthorised development;
13. concerns about waste and litter;
14. impact upon house prices;
15. welcome anyone developing a new business and reusing the premises which needed some renovation however the proposal destroys the residential amenity of the street;
16. safety of the work undertaken;
17. internal walls have been removed which are not included within any application;
18. accuracy of information submitted;
19. red aluminium windows are not appropriate for the area; and
20. site lies in close proximity to a conservation area.

## **5. Summary of Consultation Responses**

## **6. Officer's Report**

### **7. Planning History**

- 7.1 The most relevant planning history is as follows:
- 7.2 In 1990 Full Planning Permission was granted for change of use from Use Class A1 to Use Class A3 (reference 90/0579);
- 7.3 In 1990 Advertisement Consent was granted for canopy adverts (reference 90/1003);
- 7.4 In 1991 Full Planning Permission was granted for renewal of permission for fish and chip shop (reference 91/0663);
- 7.5 In 1992 a variation of condition no.4 attached to 91/0663 was granted to allow opening on certain bank holidays (reference 92/0128);
- 7.6 In 1992 Advertisement consent was granted for installation of 4no.swan necked lights to illuminate existing canopies (reference 92/0126);
- 7.7 In 1997 Full Planning Permission was refused for the variation of condition 4 attached to permission no.91/0663 to allow premises to stay open between 11:30hrs to 22hrs Monday to Saturday. An Appeal was subsequently submitted and allowed subject to the imposition of a condition allowing the premises to stay open between 11:30 to 21hrs Monday to Saturday and not at any time on Sundays, Bank or Public Holidays;
- 7.8 In 2000 Full Planning Permission was granted for variation of condition to allow permission to be exercised by Mrs S Kidd (reference 00/0737);
- 7.9 In 2005 Full Planning Permission was granted for removal of condition no.3 of planning permission 00/0737 (reference 05/0773);
- 7.10 In 2021 an application was submitted seeking Advertisement Consent for the installation of 2no.internally illuminated fascia signs (reference 21/0756). At the time of preparing this report application 21/0756 was undetermined;
- 7.11 In August 2021 Advertisement Consent was refused for the continuation of display of non illuminated wall mounted signage (reference 21/0806); and
- 7.12 In August 2021 a Variation of Condition application was refused for the variation of condition 1 (opening hours) of previously approved permission 05/0773 to open takeaway 08:00 to 23:00 Monday to Sunday (7 days) including bank holidays (reference 21/0730).





## Appeal Decision

Site visit made on 19 March 2022

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **21 March 2022**

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**Appeal Ref: APP/E0915/W/21/3285877**

**30 Lismore Street, Carlisle, Cumbria CA1 2AH**

- 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 S Mohammed against the decision of Carlisle City Council.
  - The application Ref 21/0759, dated 15 July 2021, was refused by notice dated 13 September 2021.
  - The development proposed is described as the 'installation of a new shop front and fascia signage'.
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The evidence is that work commenced in respect of the shop front in July 2021. As part of my site visit, I was able to see that this work had commenced. I am therefore determining the appeal on a partly retrospective basis. The description of development in the planning application form includes reference to fascia signage. This is not development and is controlled as part of the advertisement regulations. I am separately dealing with appeals relating to the installation of advertisements on the property<sup>1</sup>.
3. Given the above, I have therefore determined the appeal on the basis of the description of development in the Council's refusal notice and appellant's appeal form which is a '*new shop front*'.

### Main Issue

4. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

5. The appeal site is positioned within a terrace of buildings at the corner of Broad Street and Lismore Street. It is in use as a hot food take-away and work has already commenced in terms of the shop front alterations. The evidence is that the original and former shop front windows had a vertical emphasis and included Victorian detailing such as wooden pilasters and, on the Broad Street elevation, a wooden stallriser. In addition, there were sills and headers matching the appearance of other properties in the Lismore/Broad Street terrace.

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<sup>1</sup> Appeal Ref Nos APP/E0915/H/21/3283163 and 3285905

6. While the predominant land use in the area is residential, there is no doubt that prior to works commencing on the site, the appeal building shared a uniformity of design detailing with other properties in the area including window sizes, sills, headers, recessed doorways and other decorative features. Consequently, the appeal building, including its shop front, contributed positively to a visually attractive and traditional form of architecture in the locality.
7. The development has significantly widened the shop front windows to the broad Street and Lismore elevations. This departs significantly from the otherwise verticality of the windows in the area and results in a building where, in respect of the elevations, there is greater emphasis on glass as distinct from breaking up the elevations with the use of brick walls.
8. The use of red aluminium frames, which are more modern in appearance, exacerbates the above harm and represents a further departure from the more traditional architecture and materials that are prevalent in this area. Overall, the proposal would conflict with policy EC7 of the Carlisle District Local Plan 2015-2030 (LP) which states that *'well designed and appropriate shop fronts, whether original or reproduction, should be retained wherever practicable and if necessary restored when the opportunity arises'*.
9. For the above reasons, I conclude that the development looks incongruous in the street-scene and significant harm has been caused to the character and appearance of the area. It does not therefore accord with the design, character and appearance requirements of policies EC7, SP6 and HO12 of the LP; chapter 12 of the National Planning Policy Framework 2021 and the Council's Shopfront Design Guide SPD.

### **Other Matters**

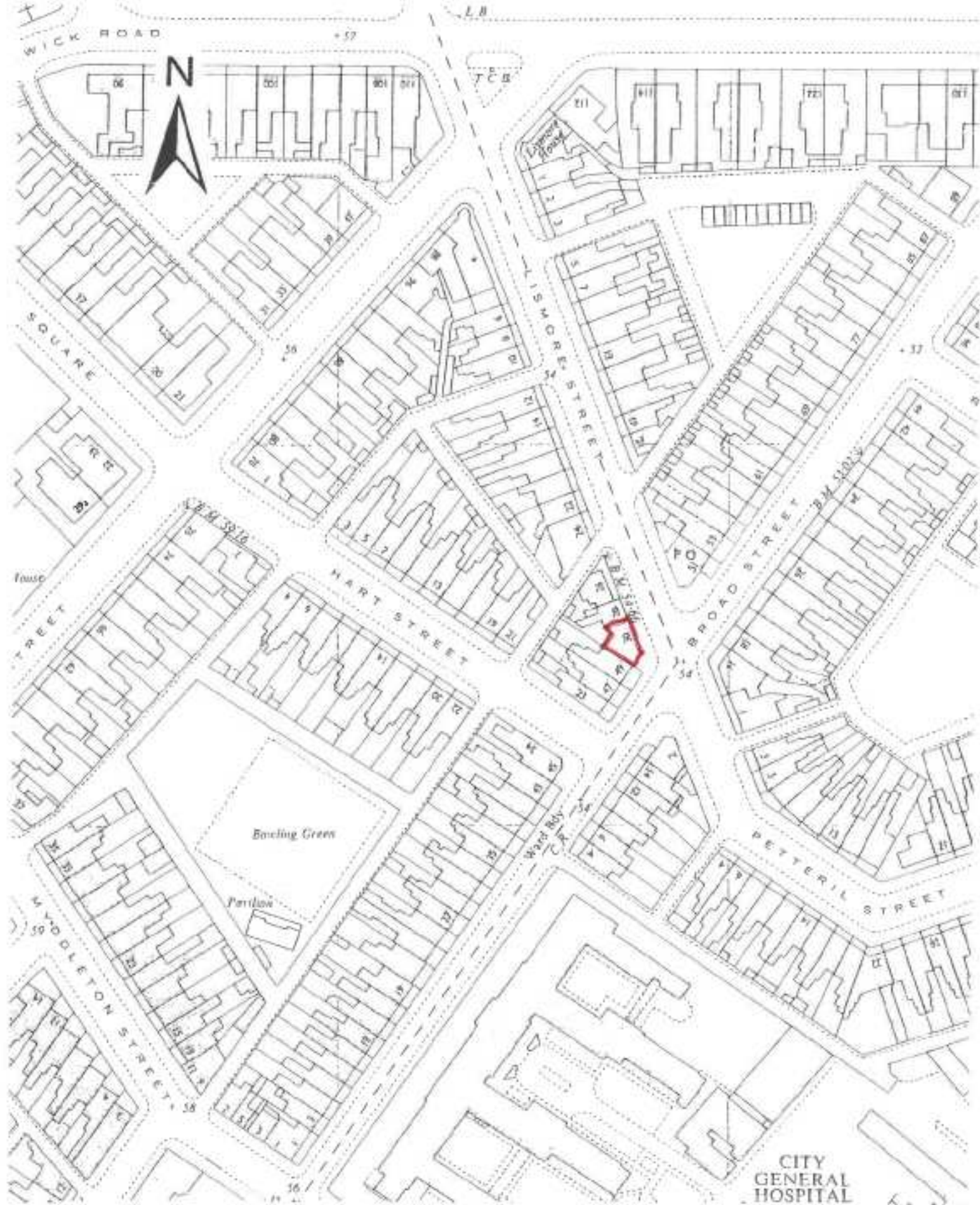
10. I acknowledge the appellant's comment that he is renovating the building internally to bring it up to date to the latest takeaway catering standards. While the appellant may also desire to improve the external appearance of the property at the same time, it is nonetheless necessary that this is done in such a way that harm is not caused to the character and appearance of the area.
11. I acknowledge that as this is a hot food take-away facility, it is necessary to have reasonably sized windows so that customers can see inside. I am not, however, persuaded that in this case larger windows than the originals are a pre-requisite in terms of attracting passing trade. The use of sensitive advertisements and internal lighting would draw sufficient attention from this point of view. In any event, the harm that has been caused to the character and appearance of the area is a matter of overriding concern.

### **Conclusion**

12. For the reasons given above, I conclude that the development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

*D Hartley*

INSPECTOR



**PROPOSED REPLACEMENT SHOP FRONT - 30 LISMORE STREET - CARLISLE**

**LOCATION PLAN**

**DRG. NO. 3294/1**

**SCALE : 1-1250**

## SCHEDULE B: Reports Requiring Further Information

21/0806

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**Item No: 13**

Date of Committee: 08/04/2022

**Appn Ref No:**  
21/0806

**Applicant:**  
Mr S Mohammed

**Parish:**  
Carlisle

**Agent:**  
Jock Gordon Architectural  
SVS Ltd

**Ward:**  
Cathedral & Castle

**Location:** 30 Lismore Street, Carlisle, CA1 2AH

**Proposal:** Continuation Of Display Of Non Illuminated Wall Mounted Signage

**Date of Receipt:**  
11/08/2021

**Statutory Expiry Date**  
06/10/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Suzanne Osborne

**1. Recommendation**

**2. Main Issues**

**3. Application Details**

**4. Summary of Representations**

4.1 This application has been advertised by the display of a site notice and by means of notification letters sent to 51 neighbouring properties/interested parties. During the consultation period 11 objections have been received.

4.2 The objections cover a number of matters which are summarised as follows:

1. sign is not black and white, approximately 1/3 is in full garish colours;
2. accuracy of information supplied;
3. advert does not fit in with Victorian architecture of the area;

4. sign is an eyesore;
5. sign has already been erected and should be removed;
6. sign will cause a distraction to drivers negotiating busy crossroads that is already an accident blackspot;
7. sign is inappropriate for a residential area;
8. sign has been installed in front of a window blocking out natural light to the rear of the premises;
9. sign is not on the wall containing the shop window;
10. sign harms the visual amenities of the area; and
11. concern that application is not adhering to planning rules and regulations.

## **5. Summary of Consultation Responses**

**Cumbria County Council - (Highways & Lead Local Flood Authority):** - no objection subject to the imposition of one condition.

## **6. Officer's Report**

## **7. Planning History**

- 7.1 The most relevant planning history is as follows:
- 7.2 In 1990 Full Planning Permission was granted for change of use from Use Class A1 to Use Class A3 (reference 90/0579);
- 7.3 In 1990 Advertisement Consent was granted for canopy adverts (reference 90/1003);
- 7.4 In 1991 Full Planning Permission was granted for renewal of permission for fish and chip shop (reference 91/0663);
- 7.5 In 1992 a variation of condition no.4 attached to 91/0663 was granted to allow opening on certain bank holidays (reference 92/0128);
- 7.6 In 1992 Advertisement consent was granted for installation of 4no.swan necked lights to illuminate existing canopies (reference 92/0126);
- 7.7 In 1997 Full Planning Permission was refused for the variation of condition 4 attached to permission no.91/0663 to allow premises to stay open between 11:30hrs to 22hrs Monday to Saturday. An Appeal was subsequently submitted and allowed subject to the imposition of a condition allowing the

premises to stay open between 11:30 to 21hrs Monday to Saturday and not at any time on Sundays, Bank or Public Holidays;

- 7.8 In 2000 Full Planning Permission was granted for variation of condition to allow permission to be exercised by Mrs S Kidd (reference 00/0737);
- 7.9 In 2005 Full Planning Permission was granted for removal of condition no.3 of planning permission 00/0737 (reference 05/0773);
- 7.10 In 2021 an application was submitted seeking Full Planning Permission for the installation of a new shop front (reference 21/0759). At the time of preparing this report application 21/0759 was undetermined;
- 7.11 In 2021 an application was submitted seeking Advertisement Consent for the installation of 2no.internally illuminated fascia signs (reference 21/0756). At the time of preparing this report application 21/0756 was undetermined; and
- 7.12 In 2021 an application was submitted seeking the variation of condition 1 (opening hours) of previously approved permission 05/0773 to open takeaway 08:00-23:00 hours Monday to Sunday (7 days) including Bank Holidays (reference 21/0730). At the time of preparing this report application 21/0730 was undetermined.

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## Appeal Decisions

Site visit made on 19 March 2022

by **D Hartley BA (Hons) MTP MBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: **21 March 2022**

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### **Appeal A: APP/E0915/H/21/3283163**

**30 Lismore Street, Carlisle, Cumbria CA1 2AH**

- 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 S Mohammed against the decision of Carlisle City Council.
  - The application Ref 21/0806, dated 9 August 2021, was refused by notice dated 3 September 2021.
  - The advertisement proposed is a wall sign.
- 

### **Appeal B: APP/E0915/H/21/3285905**

**30 Lismore Street, Carlisle, Cumbria CA1 2AH**

- 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 S Mohammed against the decision of Carlisle City Council.
  - The application Ref 21/0756, dated 19 July 2021, was refused by notice dated 13 September 2021.
  - The advertisement proposed is the installation of 2 No internally illuminated fascia signs.
- 

## Decisions

### **Appeal A: APP/E0915/H/21/3283163**

1. The appeal is dismissed.

### **Appeal B: APP/E0915/H/21/3285905**

2. The appeal is dismissed.

## Procedural Matters

3. In respect of appeal B, I have taken the description of development from the Council's refusal notice as it more accurately describes the appeal proposal.
4. The Council has drawn my attention to the policies it considers to be relevant to this appeal and I have taken them into account as a material consideration. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of any material factors. In my determination of this appeal, the Council's policies have not therefore, by themselves, been decisive.

5. I have determined an appeal for shop front alterations at the site and this is the subject of a separate appeal decision.<sup>1</sup>

### **Main Issue**

6. The main issue in respect of both appeals is the effect of the signage on the visual amenity of the area.

### **Reasons**

#### **Appeal A: APP/E0915/H/21/3283163**

7. It is proposed to retain a non-illuminated wall sign measuring about 2.6 metres by 1.3 metres on the Lismore Street elevation. The wall sign has blocked up an original ground floor window opening. The sign has a black background with white lettering and a yellow, white, red and blue logo.
8. The appeal property falls within a terrace where the ground floor and first floor windows are aligned. In this regard, there is a pleasing sense of design symmetry relating to the appeal property and the wider terrace. The sign has been installed over a ground floor window and it materially detracts from the aforementioned design symmetry. This harm is exacerbated in so far that the advertisement is large as a proportion of the ground floor elevation and includes bright colours in an area where surrounding building materials and other advertisements are finished in muted tones.
9. For the above reasons, I conclude that the wall sign appears incongruous in the street-scene, and on the appeal property, and hence significant harm has been caused to the amenity of the area. Consequently, it does not accord with the visual amenity requirements of policy SP6 of the Carlisle District Local Plan 2015-2030 (LP) and paragraph 136 of the National Planning Policy Framework 2021 (the Framework).

#### **Appeal B: APP/E0915/H/21/3285905**

10. It is proposed to install one illuminated fascia sign above a new shop front on the Lismore Street elevation and one illuminated fascia sign above a new shop front window on the Broad Street elevation. The aluminium signs would have a black background with white vinyl lettering and a yellow, white, red and blue logo. The application form states that the illumination would be static, but no details of illuminance levels have been provided.
11. I have separately found that the proposed shop front alterations would be harmful as part of the determination of a separate appeal. In combination with the shop front alterations, the advertisements would have the effect of departing unacceptably from the consistency of window proportions and fenestration details within the building and wider terrace that existed prior to unauthorised works commencing at the appeal site.
12. Furthermore, this is a predominantly residential area and while I do not have final illuminance details, I am concerned that the use internally illuminated signs would appear as stark and brash additions in this environment, at odds with the traditional simplicity of the Victorian buildings and architecture in the locality. This harm would be compounded in so far that the signs would include

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<sup>1</sup> APP/E0915/W/21/3285877



the use of bright colours in an area where surrounding building materials and other advertisements are finished in muted tones.

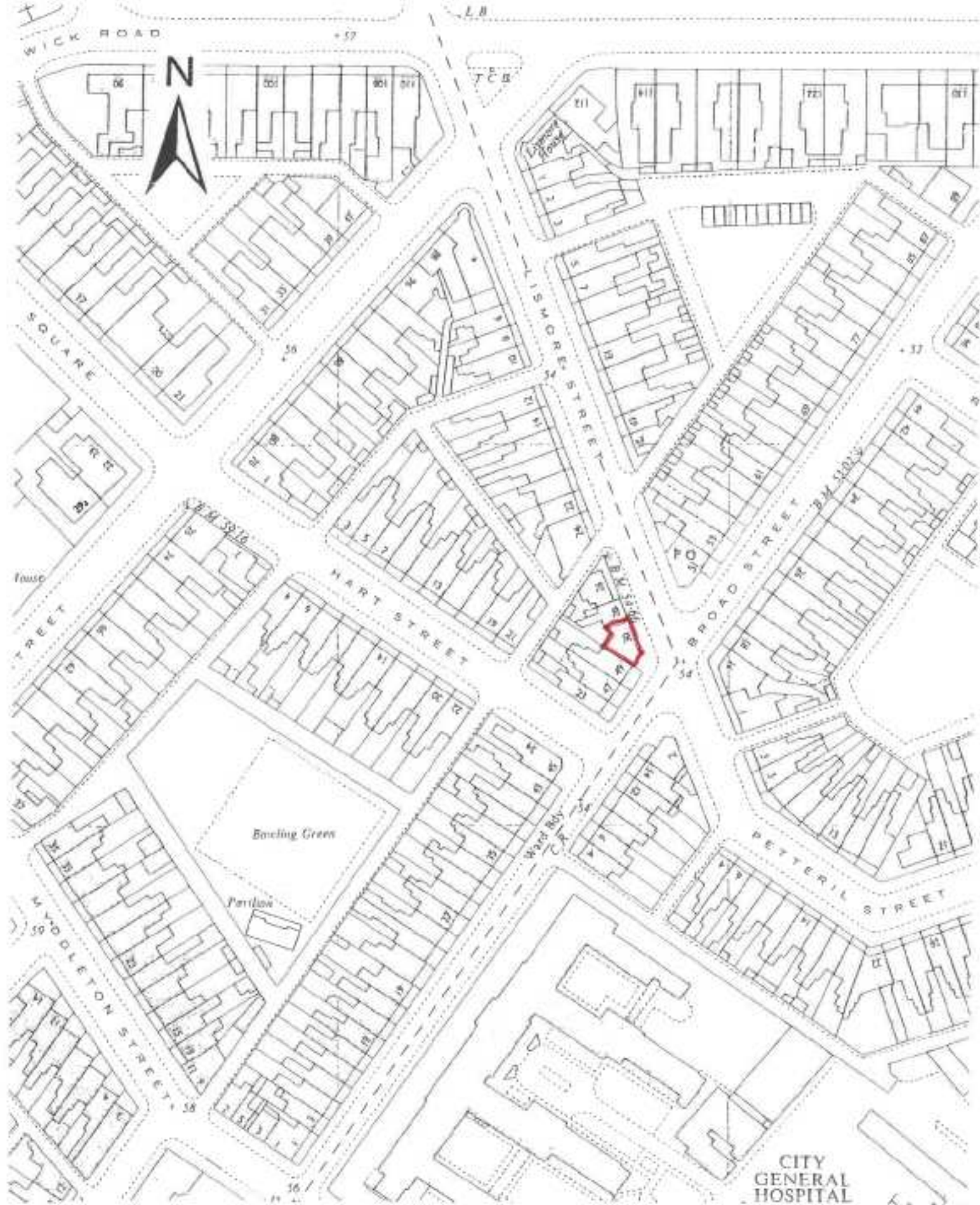
13. For the above reasons, I conclude that the proposed fascia signs would have a deleterious impact on the street-scene and the appeal property. Therefore, significant harm would be caused to the visual amenity of the area. Consequently, the proposal would not accord with the visual amenity requirements of policy SP6 of the Carlisle District Local Plan 2015-2030 (LP) and paragraph 136 of the National Planning Policy Framework 2021 (the Framework).

#### **Conclusions – Appeal A and B**

14. For the reasons outlined above, I conclude that both Appeal A and Appeal B should be dismissed. In reaching the above conclusions, I have taken into account the appellant's comment that the intention of the signs is to attract the attention of potential customers. I do no doubt that it would be possible to have some signage on the building, as was the case previously, without harm being caused to the visual amenity of the area. However, in this case the appellant's desire to attract the attention of customers does not outweigh my identified harm.

*D Hartley*

INSPECTOR



**PROPOSED REPLACEMENT SHOP FRONT - 30 LISMORE STREET - CARLISLE**

**LOCATION PLAN**

**DRG. NO. 3294/1**

**SCALE : 1-1250**

## SCHEDULE B: Reports Requiring Further Information

21/0952

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**Item No: 14**

Date of Committee: 08/04/2022

**Appn Ref No:**  
21/0952

**Applicant:**  
Morton Garden Buildings  
Ltd

**Parish:**  
Beaumont

**Agent:**  
LRJ Planning Ltd

**Ward:**  
Dalston & Burgh

**Location:** Fairview, 3 Harrison Gardens, Monkhill, Burgh By Sands, Carlisle, CA5  
6DF

**Proposal:** Erection Of Summerhouse

**Date of Receipt:**  
13/10/2021

**Statutory Expiry Date**  
08/12/2021

**26 Week Determination**

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### REPORT

**Case Officer:** Laura Brice

**1. Recommendation**

**2. Main Issues**

**3. Application Details**

**4. Summary of Representations**

4. This application has been advertised by means of notification letters sent to two neighbouring properties. During the consultation period there have been no representations made.

**5. Summary of Consultation Responses**

**Beaumont Parish Council:** - no comments

**Historic England - North West Office:** - not against the proposal in principle

but concerns initially over the impact of the hardstanding/foundations required for the summerhouse on the archaeology of the Vallum, as well as the location proposed since *"the current location of the summerhouse would cause a degree of harm to the current open setting of the line of the Vallum"*,

During the site visit it was noted that the hardstanding for the summerhouse was already in place. Confirmed with the agent that the existing hardstanding is the full extent required for the summerhouse and relayed this information to HE. As such, re-locating the proposed summerhouse would require additional hardstanding to be placed elsewhere.

A final comment that *"The site remains a scheduled monument - in addition to planning permission any summerhouse will require scheduled monument consent (SMC). We would advise that any permission issued should have an advisory note attached to remind the applicant of the need for SMC for this development"*.

## **6. Officer's Report**

## **7. Planning History**

7.1 There is a long and varied planning history for this application site. In 2015 full planning permission was granted for the erection of No.3 dwellings (reference 14/0258). Further applications revised these plans with the latest permission granted in 2020 (reference 19/0895). Due to their location within Hadrian's Wall World Heritage Site Buffer Zone, Permitted Development rights were removed for the properties from the first planning permission in 14/0258. This application relates to the erection of a summerhouse within one of the properties.



# Appeal Decision

Site visit made on 14 February 2022

by **G Robbie BA(Hons) BPI MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 24<sup>th</sup> February 2022**

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**Appeal Ref: APP/E0915/D/21/3289523**

**Fairview, 3 Harrison Gardens, Monkhill, Burgh-By-Sands CA5 6DF**

- 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 Anthony Milburn (Morton Garden Buildings Ltd) against the decision of Carlisle City Council.
  - The application Ref 21/0952, dated 6 October 2021, was refused by notice dated 8 December 2021.
  - The development proposed is the erection of a summerhouse.
- 

## Decision

1. The appeal is dismissed.

## Main Issue

2. The main issue is the effect of the proposed summerhouse on the character and appearance of the surrounding area, with particular regard to the setting of Hadrian's Wall Vallum and the Hadrian's Wall World Heritage Site Buffer Zone.

## Reasons

3. The appeal property is a recently constructed detached bungalow within a small cul-de-sac development of similar properties. The property has open aspects to the north and east, looking out across a garden plot laid predominantly to lawn, and across the surrounding rolling countryside. The appeal property lies within the Hadrian's Wall World Heritage Site buffer zone (WHSBZ) and the line of the Hadrian's Wall Vallum (the Vallum) passes through the appeal site. The proposed summerhouse would be located within the line of the Vallum.
4. Historic England's consultation response states that the Vallum is assumed to be a crucial element of the Hadrian's Wall frontier, which formed an extra layer of defence from attack and as demarcation of a military zone of control associated with the wall itself. As such, I saw that the open approach to the site from the east and the open swathe across the northern garden frontages of the appeal property and its neighbours to the west maintain a noticeable sense of linear openness in keeping with the linearity of Hadrian's Wall and the Vallum. The gardens of these three properties are largely open and unencumbered by substantial buildings, fences or other structures.
5. The proposed summerhouse would be seen as a clearly detached building that would stand apart from the existing house. Its intrusion within this open swathe would be exacerbated in longer views on approach from the east where it would be seen as an incongruous skyline feature on rising land. There would be garden retained around the summerhouse, particularly to the east of it and the main house, but the more limited depth of the garden to the north would

- be such that it would occupy a substantial portion of the currently open swathe of garden.
6. The extent to which the Vallum is visible in fields to the east of the appeal site is a matter of dispute between the parties. However, the approach to Monkhill from the east affords open longer views across the rolling fields, where the sense of openness is maintained across the garden frontage of the appeal property and its neighbours within Harrison Gardens. The proposed summerhouse would be of a relatively modest scale, but in this location and when viewed from a main approach into Monkhill along the line of the Vallum, it would be an unduly prominent and intrusive feature within this largely open setting. As such it would erode an understanding of the openness associated with the WHSBZ and the Vallum.
  7. I accept that the proposed summerhouse would be seen, from some viewpoints, against the backdrop of the existing house. This would provide a degree of context and a background of built development to the proposed summerhouse. However, this contribution in respect of longer views from the east would be limited, really only providing that context upon much closer viewing adjacent to the appeal site.
  8. I have also noted the appellant's contention that it is not practical or possible to locate the proposed summerhouse in a less sensitive location elsewhere within the appeal property's garden plot. I can understand the appellant's desire to maintain access to the property's north-facing garage door and noted the presence of windows on the building's east facing elevation. However, I am not persuaded that these matters are insurmountable or that a smaller structure or an alternative, less harmful location for a summerhouse, could not be achieved.
  9. I accept too that it is not a matter of dispute that the proposal would not cause harm to below-ground archaeology. This was, the appellant notes, the principal area of concern in respect of the proposal which resulted in the construction of the appeal property. However, it is clear that that proposal was the result of extensive discussions between the developer, the Council and Historic England at that time and I cannot be certain that the other, resolved, matters alluded to in correspondence did not include considerations of the setting and openness of the Vallum. Thus, whilst the agreed absence of harm to physical remains is welcomed, this would not justify the harm to the setting of the WHS, the WHNSBZ or the character of the Vallum set out above.
  10. Local Plan (LP) policy HE1 recognises the contribution that the WHSBZ makes to the World Heritage Site's setting and its Outstanding Universal Value. The effect of proposals on key views into an out of the buffer zone are noted as being a particular focus for consideration. Development that would result in substantial harm will, it is stated, be refused, whilst that which results in less than substantial harm will be assessed against public benefits.
  11. I have no reason to disagree with the Council with respect to their assessment and conclusions in terms of the living conditions of neighbouring residents, its scale and appearance relative to the existing dwelling and its construction materials. These are however neutral matters which weigh neither in support of, nor against, the proposal and are, in any event, largely private benefits to the appellant.

12. Nor do I disagree with the appellant's suggestion that the summerhouse would be of modest size and would not be an unusual feature in the rear garden of a dwellinghouse. However, its location in a prominent position within the appeal site, and within the Hadrian's Wall Vallum and the buffer zone of the Hadrian's Wall World Heritage Site are factors which lead me to conclude that the proposal would be contrary to LP policy HE1 and with LP policy SP6. Amongst other things, the latter requires proposals to take into consideration the historic environment and the settings of both designated and undesignated heritage assets, as a means to secure good design.

### **Other Matters**

13. The Drover's Rest Inn, a short distance away from the appeal site on the opposite side of the road, is a grade II listed building. I do not disagree with the Council's assessment that the proposal would lie within the setting of the listed building. Nor do I have any reason to disagree with the Council's conclusion that the proposal would accord with the provisions of LP policy HE3 which seeks to ensure that development within the locality of a listed building should preserve its character and setting.
14. I am satisfied that in reaching this conclusion the Council have exercised their statutory duty under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the [listed] building or its setting. I agree that the proposal would have a neutral effect on the setting of the listed building and, as such, would preserve its setting. This does not, however, alter my conclusions in respect of the main issue as set out above.

### **Conclusion**

15. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be dismissed.

*G Robbie*

INSPECTOR

SITE LOCATION PLAN  
AREA 2 HA  
SCALE 1:1250 on A4  
CENTRE COORDINATES: 334500, 558569



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