The Planning Inspectorate

Appeal Decision

Site visit made on 5 September 2017

by Sarah Colebourne MA, MRTPI

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

Decision date: 13th September 2017

Appeal Ref: APP/R4408/Y/17/3174871
30 Market Hill, Barnsley, S70 2QE

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
- The appeal is made by Power Leisure Bookmakers Limited against Barnsley Metropolitan Borough Council.
- The application Ref 2017/0010, is dated 4 January 2017.
- The development proposed is the painting of 9 no. window frames (listed building consent).

Decision

1. The appeal is dismissed.

Procedural matter

2. The appellant's statement has referred at paragraph 6.7 to a 'heritage green' colour but whilst I note that this was proposed initially in a previous application prior to its amendment to a grey colour, I have determined the appeal on the basis of the colour currently applied for which is 'opal green'.

Main Issue

3. The main issue is the effect on the special architectural and historic interest of the listed building at 30 Market Hill and the character and appearance of the Regent Street/Church Hill/Market Hill Conservation Area (CA).

Reasons

4. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 132 of the National Planning Policy Framework (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. The paragraph goes on to say that significance can be harmed or lost through alteration or destruction of the

heritage asset. Paragraph 134 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal.

5. The development plan includes policies CSP 29 and 30 of the Council's Core Strategy (2011) which reflect the statutory duty and accord with the Framework in that respect, although they fail to acknowledge the need to weigh any less than substantial harm against the public benefits of the proposal as sought in the Framework. The Council's Supplementary Planning Document (SPD) Shopfront Design (2012) advises that the upper floors and shopfront should be seen together rather than as separate elements. The shopfront should reflect and harmonise with the building as a whole. It also advises that corporate house styles can be adapted.

6. 30 Market Hill is a grade II listed building, built of stone whose large ground floor window openings contribute to its imposing appearance and form part of its architectural and historic interest. It is located in a prominent position within the town centre close to the entrance to the attractive Victoria Arcade and within the CA, with frontages onto Market Hill and Eldon Street. This side of Market Hill comprises a number of buildings with shopfronts painted mostly in neutral colours which contribute positively to the character and appearance of the CA. Around the corner, Eldon Street comprises a mix of both modern and traditional buildings with shopfronts in generally brighter colours, some of which detract from the CA. I agree with the Council that the other local examples referred to by the appellant either have different circumstances or support the Council's stance. I am unaware of the surrounding context of the Newcastle example. I am therefore not persuaded that they are directly comparable to what is proposed in this case which I have determined on its individual merits.

7. The application seeks consent for the painting of nine ground floor windows in an 'opal green' colour which forms part of the corporate image of the betting shop which occupies the building. I saw at my visit that the aluminium windows have already been painted in a 'graphite grey' colour under a previous consent. I agree with the Council that this is a neutral colour which harmonises with the fabric of the building including the cream painted windows of the upper floors, with the grey windows of the bank building opposite and with the corporate green colours of the approved signs on the appeal building.

8. However, the proposed 'opal green' colour would introduce a much stronger colour tone than the approved grey colour and would contrast starkly with the upper floor windows. Although the colour would match that of the approved signage, rather than creating a uniform, homogenous facade it would result in a disproportionate amount of strong colour on the building. Whilst the Rotherham example provided by the appellant has consent, I am unaware of the surrounding context of that building and the submitted photograph serves only to reinforce my view. The proposal would therefore fail to reflect and harmonise with the building as a whole, contrary to the Council's policies and its SPD. This would result in harm to the significance of the listed building and the CA.

9. Although the harm I have identified would be less than substantial, there are no public benefits arising from the proposal that would outweigh that harm as required in paragraph 134 of the Framework.

Conclusion

10. I conclude, therefore, that the proposal would fail to conserve and enhance the special architectural and historic interest of the listed building and the character and appearance of the CA. It would conflict with the development plan as a whole and there are no material considerations which justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector