

APPEAL BY HERON FOODS LIMITED AGAINST THE DECISION OF THE COUNCIL TO REFUSE PLANNING PERMISSION FOR THE RETENTION OF THREE AIR CONDITIONING CONDENSERS AND TWO REFRIGERATION CONDENSERS ON THE REAR WALL AT 10 CASTLE WALK, NEWCASTLE

<u>Application Number</u>	13/00977/FUL
<u>LPA's Decision</u>	Refused by delegated powers 18th February 2014
<u>Appeal Decision</u>	Dismissed
<u>Date of Appeal Decision</u>	1st July 2014

The full text of the appeal decision is available to view on the Council's website (as an associated document to application 13/00977/FUL) and the following is only a brief summary.

The Inspector considered the main issue to be the effect of the proposal on the character and appearance of the Newcastle Town Centre Conservation Area. In dismissing the appeal, the Inspector made the following key comments:

- The appeal building is part of a parade of shops. There are already air conditioning condenser units and refrigeration condensers at the rear elevation of the building, which faces Market Lane.
- Market Lane partly acts as a service area.
- The Conservation Area Appraisal identifies 5 positive character areas and one negative character area. The appeal site is within a further character area which is described as neutral, although Castle Walk and Market Lane are referred to in examples of key negatives in the character area.
- The Council has recognised a need to minimise the effect of the increase in condenser units on buildings in Market Lane and has insisted that the Specsavers store look for alternative solutions.
- The removal of the cold room condenser unit and revised layout of the other existing units would be an improvement compared to the current appearance of the array of units at the rear elevation of No.10. Nevertheless, the proposal would fail to preserve or enhance the character or appearance of the Conservation Area because of the number, size and prominence of the condenser units. The development is therefore contrary to local plan policy and CSS policies.
- The appellant has explained that the condenser units are the minimum number required to control ambient temperatures in the store for customer and staff welfare and to serve the remote refrigeration units. The need to operate these units is a material consideration to which some weight is attached.
- The Council also suggested that consideration be given by the appellant to mounting the units on the roof, in a position back from the rear elevation. The appellant has advised that it is not possible to position the units on the roof of the building due to its lightweight construction. However, no structural report has been submitted to demonstrate that this would be the case, or that it would not be possible to site at least one or two of the smaller units on the roof.
- It is concluded that the other material considerations submitted by the appellant and public benefits of the proposal are insufficient to outweigh the harm to the character and appearance of the Conservation Area and, on balance, the appeal should be dismissed.

Recommendation

That the decision be noted.