

Appeal Decision

Site visit made on 5 September 2016

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 23 September 2016

Appeal Ref: APP/R2330/C/16/3147431

130-132 Manor Street, Accrington, Lancashire BB5 6EA

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Baron and Douglas Limited against an enforcement notice issued by Hyndburn Borough Council.
 - The enforcement notice was issued on 22 February 2016.
 - The breach of planning control as alleged in the notice is alterations to the front elevation of the buildings.
 - The requirements of the notice are 1. Permanently remove the uPVC shop front; 2. Reinstall shop fronts to match that removed; and 3. Reinstall the timber fascia board to match that removed from the front of the premises.
 - The period for compliance with the requirements is two months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely alterations to the front elevation of the buildings at 130-132 Manor Street, Accrington, Lancashire.

Application for costs

2. An application for costs was made by Baron and Douglas Limited against Hyndburn Borough Council. This application is the subject of a separate Decision.

Reasons

3. The main issue in the ground (a) appeal is the effect of the alterations to the front elevations of the buildings on their appearance and on the visual amenity of the street scene on Manor Street.

4. The two adjoining appeal properties are at the end of a two-storey stone built terrace. The properties originally had shops at ground floor level but they have been converted into flats in accordance with an application granted on appeal in 2014. The original shop front openings have been retained, as have stone stall risers and moulded timber pilasters, but the original timber fenestration, comprising doors, windows and fascia panelling, has been replaced by UPVC fenestration. Development on Manor Street and in the wider area, with the exception of Peel Park Primary School to the north-east, is predominantly two-storey stone terraces of dwellings.

5. UPVC fenestration is commonplace in Manor Street and in the wider area. In this regard the use of UPVC for the replacement of the original shop fronts at the appeal properties is not out of place. The UPVC is brown, imitating stained timber, and matches replacement fenestration elsewhere on the frontages and on the side elevation of no. 132. The colour of the UPVC fenestration is appropriate because, given in particular the extent of panelling above the windows, white UPVC to match fenestration nearby would have resulted in stark and prominent frontages. The brown UPVC, in fact, complements the honey coloured stone of the terrace.

6. The panelling above the windows replaces, partly, fascias that would have been used to display shop signs. But as the shops no longer exist the continuity and extent of the panelling reflects the now residential uses of the two properties. The allegation in the enforcement notice reflects the fact that the replacement shop fronts are not shop fronts but alterations to the front elevations of buildings that are now in residential use. In this context the alterations are harmonious with other works that have been carried out to the buildings to implement the planning permission for the change of use of the buildings to a wholly residential use.

7. Taking the aforementioned factors into account, the alterations to the front elevation of the buildings at 130-132 Manor Street have not adversely affected the appearance of the buildings or the visual amenity of the street scene on Manor Street. The alterations do not conflict with policies Env 6 and Env 7 of the Hyndburn Core Strategy or with saved policy E.10 of the Hyndburn Local Plan. There is, furthermore, no particular conflict with the Council's Shop Fronts and Signs Design Guide. Planning permission has thus been granted for alterations to the front elevation of the buildings at 130-132 Manor Street, Accrington, Lancashire. The ground (f) and (g) appeal do not therefore need to be considered.

John Braithwaite

Inspector