

Appeal Decision

Site visit made on 22 February 2017

by D J Barnes MBA BSc(Hons) DipTP MRTPI

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

Decision date: 14 March 2017

Appeal Ref: APP/G3110/Z/16/3163876

11-12 Cornmarket Street, Oxford OX1 3EX

- 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 Wasabi Co. Limited against the decision of Oxford City Council.
 - The application Ref 16/01914/FUL, dated 19 July 2016, was refused by notice dated 27 October 2016.
 - The development is the installation of a shopfront and entrance doors. Provision of cladding to 4 no. columns, fascia and plinth.
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Decision

1. The appeal is allowed and planning permission granted for the installation of a shopfront and entrance doors. Provision of cladding to 4 no. columns, fascia and plinth at 11-12 Cornmarket Street, Oxford OX1 3EX in accordance with the terms of the application, Ref 16/01914/FUL, dated 19 July 2016 , subject to the following condition:
 1. So far as they relate to the development hereby permitted the development shall be carried out in accordance with the following approved plans:
Location Plan; Block Plan; 6149-P2 Proposed Shop Front Elevations; Market Street Elevation and Cornmarket Street Elevation.

Procedural Matters

2. Clarification concerning the name of the appellant was provided and this name has been adopted for the appeal.
 3. The application submitted to the Council included the erection of signs. However, such advertisements are the subject of a separate approval process and did not form part of the application determined by the Council. The advertisements are not the subject of this appeal and the agreed amended description of development has, therefore, been adopted.
 4. The shopfront subject of this appeal has been installed. The shopfront and advertisements associated with the previous occupier have, therefore, been removed and thereby not allowing for an in-situ comparison with the design of the appeal scheme. Accordingly, the appeal scheme has been assessed based upon its own circumstances.
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Main Issue

5. It is considered that the main issue is whether the development preserves or enhances the character or appearance of the Central (City and University) Conservation Area.

Reasons

6. The property is a 3-storey building with a mansard roof is situated at the junction of Cornmarket Street and Market Street. The property is located within the extensive Central (City and University) Conservation Area where there is a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the area. This duty is echoed in Policies CP.1 and HE.7 of the Oxford Local Plan (LP).
7. Rather than there being a single characteristic or attribute, the Conservation Area includes a wide range of varying types and styles of buildings. The streets and surrounding area within which the property is located is mainly characterised by buildings with retail and commercial uses at ground floor level with a variety of shopfront designs. Some of these designs include full height display windows which are not broken-up by columns or other structural features.
8. The development includes the erection of a shopfront with full height display windows extending between the ground level and a white fascia fronting both the streets. There 4 external columns, including 2 columns at the corner of the property, that have been enclosed with white painted glass. Together with the fascia, these 4 columns frame the glass display windows. Two additional internal white columns are sited away from the windows.
9. The Council's concern is primarily directed at the inappropriate visual relationship between the ground and upper floors because the design of the shopfront is claimed to give the appearance of the upper floors floating above the ground floor. From the evidence provided by the appellant the general form of the shopfront reflects the appearance of the property's ground floor dating back some 70 years. The images provided identify that the same full height display windows and the columns have existed for this period albeit the materials have changed. Significant weight is given to this evidence about the previous style, proportion and character of the property's shopfront and its contribution to the character of the streetscene.
10. When walking along Cornmarket Street the columns which frame the display window along this frontage, the fascia and the internal column are clearly visible. Although there is an extensive area of glazing, the upper floors do not have the appearance of floating because of the ability to clearly see all the columns which visually link to the fascia. Further, the design of the shopfront enables the property to be assimilated into the commercial character and appearance of the streetscene within this part of the Conservation Area.
11. The internal column facing towards Market Street is sited further back from the window and is not as visible as the internal column seen within the Cornmarket Street frontage. However, when taken together with the relationship of the external columns and fascia which frame this display window, this internal column is still sufficiently visible to avoid the impression that the upper storeys

of the property are floating above the ground floor. In reaching this judgement account has been taken of the evidence which indicates that the shopfront continues to respect the style, proportion and character of the property which has existed for a number of years.

12. For the reasons given, the shopfront has a neutral effect on the character and appearance of the property and its contribution to the streetscene of this mainly retail and commercial area. Accordingly, it is concluded that the development preserves the character and appearance of the Central (City and University) Conservation Area and, as such, it does not conflict with LP Policies CP.1, CP.8, HE.7 and RC.13 and Policy CP18 of the Oxford Core Strategy. In addition to heritage considerations, these policies also require development to be of a high quality of design which relates to its context and for shopfronts to respect, the style, proportions and character of the existing building. These policies are consistent with the National Planning Policy Framework's core principle of securing high quality design.

Conditions

13. The Council has not suggested any conditions in the event that this appeal succeeds. Although the development has been undertaken, for reasons of certainty and the avoidance of any doubt, it is still necessary for a condition to be imposed which requires the appeal scheme to be undertaken in accordance with the submitted drawings. Accordingly, and taking into account all other matters, it is concluded that this appeal should be allowed.

D J Barnes

INSPECTOR