



Appeal Decision

Site visit made on 24 April 2017

by Graham Chamberlain BA (Hons) MSc MRTPI

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

Decision date: 3rd May 2017

Appeal Ref: APP/P1560/W/17/3168301

36 to 38 Kingsway, Dovercourt, Essex CO12 3AB

- 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 Peter Webb against the decision of Tendring District Council.
 - The application Ref 16/01454/FUL, dated 8 July 2016, was refused by notice dated 8 November 2016.
 - The development proposed is a shopfront change and first floor window alteration to an existing building within the conservation area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is whether the appeal scheme would preserve or enhance the character or appearance of the Dovercourt Conservation Area.

Reasons

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Dovercourt Conservation Area (CA). Accordingly, considerable weight and importance must be attached to the desirability of preserving or enhancing the character or appearance of the CA.
 4. In considering the significance of the CA, which is a designated heritage asset, the Dovercourt Conservation Area Review 2006 (CAR) states that the CA covers the area of the town most associated with its early development as a sea side resort, including an interesting blend of 19th and 20th Century architecture. The description of Kingsway in the CAR notes the Victorian architecture and details those buildings that exhibit original features, including shop fronts. The appeal property is identified in the CAR as exhibiting a shop front with original details. Nevertheless, the shop front identified in the CAR has been replaced by the appeal scheme.
 5. A photograph of the original shop front and first floor windows has been provided by the appellant and this, along with the Council's description, demonstrates that the shop front did have a number of period details including recessed doors, a bay frontage with a stall riser and elegant arch window details. The first floor windows appear to be casements with glazing bars and an awning was positioned over the shop window. The shop front exhibited a balanced and symmetrical composition typical of the prevailing period of architecture in the CA. As such, it contributed positively to the street scene and the overall character and appearance of the CA.
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6. Save for the side pillars, the appeal scheme has resulted in the original period details in the shop front being obscured or removed and the first floor windows have been replaced by incongruous and awkwardly proportioned doors and a window devoid of glazing bars. The fenestration and shop front is now finished in featureless UPVC. The proposal has therefore removed the pleasing contribution the front elevation of the building once made to the street scene. Additionally, the new shop front, especially the insertion of a third door, and the first floor windows have harmfully eroded, both individually and cumulatively, the original balanced composition of the front elevation of the appeal building as well as the Victorian character of the CA. As a consequence, the proposal has significantly harmed the character and appearance of the CA.
7. The appellant has demonstrated that there are buildings nearby that have UPVC fenestration and modern shop fronts. However, the precise details as to when these features were installed and what they replaced are not before me. Whilst the use of UPVC is evident nearby this is not a sound basis upon which to permit a further diminution in the character and appearance of the CA. Such a course of action would not preserve or enhance the CA because the use of UPVC and modern shop fronts is not a defining part of the CA's significance. Thus, the other works referred to by the appellant do not justify the appeal scheme.
8. Although significant, the harm would be localised and thus it would be less than substantial within the meaning of the National Planning Policy Framework. As a public benefit of the proposal the appellant suggests the alterations have assisted in bringing a building within the town's development boundary back into use and this provides a number of benefits, including the provision of jobs. Furthermore, there have not been objections from neighbours. Nevertheless, substantive evidence has not been provided that demonstrates the alterations were necessary to bring the building back into use and therefore this is a matter of very limited weight as a public benefit. The absence of objections is a neutral matter in the balance as this does not alter the fact that there would be significant harm. I therefore find that the significant harm of the proposal outweighs the very limited public benefits referred to by the appellant and this would result in a conflict with Paragraph 132 of the Framework. This is because the harm to the CA would not have a clear and convincing justification and the Framework requires great weight to be given to the conservation of designated heritage assets.
9. As such, my overall conclusion is that the proposal would significantly harm the significance of the conservation area. The character or appearance of the conservation area would not be preserved. The proposal is therefore contrary to Saved Policies QL9, QL10 and QL11 of the Tendring District Local Plan 2007, which seek to secure proposals that are well designed and protect the historic environment. These policies are consistent with Paragraphs 17, 58 and Section 12 of Framework and therefore the relevant development plan policies can be afforded significant weight.

Conclusion

10. The appeal scheme would be contrary to the development plan and material considerations do not indicate planning permission should be forthcoming in spite of this. Accordingly, for the reasons given the appeal is dismissed.

Graham Chamberlain
INSPECTOR