



Appeal Decisions

Site visit made on 14 October 2019

by Neil Pope BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 October 2019

Appeal A Ref: APP/F1610/W/19/3233735

12, Church Street, Tetbury, Gloucestershire, GL8 8JG.

- 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 A Motley against the decision of Cotswold District Council.
 - The application Ref. 18/02717/FUL, dated 11 June 2018, was refused by notice dated 23 January 2019.
 - The development proposed is the re-configuration of existing shopfront, to include removal of central door and creation of two new entrance doors either side of new glazed shop front. Alterations to existing internal stud walling to ground floor to allow separate access to first floor offices and access to basement. Insertion of new section of stud partitioning and door to basement to allow for separate storage area.
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Appeal B Ref: APP/F1610/Y/19/3233740

12, Church Street, Tetbury, Gloucestershire, GL8 8JG.

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr A Motley against the decision of Cotswold District Council.
 - The application Ref. 18/02718/LBC, dated 11 June 2018, was refused by notice dated 23 January 2019.
 - The works proposed are the re-configuration of existing shopfront, to include removal of central door and creation of two new entrance doors either side of new glazed shop front. Alterations to existing internal stud walling to ground floor to allow separate access to first floor offices and access to basement. Insertion of new section of stud partitioning and door to basement to allow for separate storage area.
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Decisions

1. The appeals are dismissed.

Preliminary Matters

2. In June 2019, planning permission and listed building consent were granted for a reconfiguration of the existing shopfront and internal alterations to allow separate access to the first floor (refs. 19/01391/FUL and 19/01392/LBC). There is more than a theoretical possibility of these works being undertaken. It is therefore a fallback position available to the appellant.
3. The Council's decisions are based on amended plans which delete a proposed canopy. I have determined these appeals on the basis of the amended plans.

Main Issue

4. The main issue in both appeals is whether the proposals would preserve the grade II listed building at 12 Church Street and preserve or enhance the character or appearance of the Tetbury Conservation Area (TCA).

Reasons

5. The significance (heritage interest) of the early/mid-18th century 12 Church Street is derived primarily from its architectural qualities, which include its attractive 19th century shop¹ front with recessed central door, stall risers and elaborately carved end consoles with lion masks, as well as its historic qualities, which include much of its building fabric.
6. The significance of the TCA includes the architectural interest provided by the numerous listed buildings (such as dwellings, artisan shops, the Market Hall, pubs/hotels and St. Mary the Virgin Church) which contribute to the townscape merit of this very attractive market town, as well as the historic layout of the streets and important building fabric. The appeal site occupies a prominent position within the town centre near to the Market Hall and church and with a pedestrian crossing immediately alongside.
7. The proposal would provide a second entrance to the building to allow the upper floors² to be operated separately from the ground floor. The proposed internal works would not harm the special qualities of the building or the TCA and the carved end consoles would be retained.
8. However, the proposed removal of the central recessed doorway, single shop window and stall risers and the insertion of entrance doors at either end would markedly erode the appearance and architectural attributes of this elegant 19th century shop front. The reconfigured shop front would also entail the loss of important historic fabric and further detract from the special qualities of this listed building. The harm to the heritage interest of this important building would fail to preserve or enhance the character or appearance of the TCA.
9. The proposals would be at odds with the most relevant provisions³ of the development plan and, in the context of the National Planning Policy Framework, would amount to less than substantial harm to the significance of the listed building and the TCA. However, this does not amount to a less than substantial planning objection. Great weight should be given to the conservation of designated heritage assets.
10. It is necessary to weigh the above harm with any public benefits and the fallback position. In this regard, I note the appellant's arguments that the proposals would allow for a more effective use of the appeal premises and would be less harmful than the scheme approved by the Council. However, it is by no means certain that different businesses would be unable to successfully operate from these premises without harming the special qualities of the listed building or the TCA. Moreover, whilst the fallback would erode the integrity and appearance of the 19th century shop front and result in some loss of historic fabric, the existing central recessed doorway would be retained and the impact would be less damaging than the appeal scheme.
11. I conclude on the main issue that the proposals would fail to preserve the grade II listed building at 12 Church Street and would not preserve or enhance the character or appearance of the TCA.

¹ At the time of my visit the ground floor of the building was vacant.

² I understand that this part of the building is in A2 use and a retailer would occupy the ground floor if these appeals are allowed.

³ Policies EN10 and EN11 of the Cotswold District Local Plan 2011-2031.

Other Matter

12. The appeal site lies within the Cotswolds Area of Outstanding Natural Beauty (AONB). Whilst the proposals would not harm the special landscape qualities or scenic beauty of the AONB this does not overcome or outweigh the harm that I have found above in respect of the main issue.

Overall Conclusion

13. Given all of the above, I conclude that these appeals should not succeed.

Neil Pope

Inspector