The Planning Inspectorate

Appeal Decision

Site visit made on 12 November 2019

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2019

Appeal Ref: APP/W2465/W/19/3234325
Kayal's Herb, 96 Granby Street, Leicester LE1 1DJ

- 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 Mrs Eva Doktrova against the decision of Leicester City Council.
- The application Ref 20180873, dated 4 June 2018, was refused by notice dated 7 June 2019.
- The development proposed is described as "1) The timber that surrounds the main entrance door 2) Installation of menu sign to the front elevation 3) Sign supported on existing gantry bucket".

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of the development as stated in the banner above is taken from the application form. However, the proposal sought planning permission for the installation of a new shopfront which is reflected on the Council's decision notice. I have determined the appeal on that basis.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Granby Conservation Area (CA).

Reasons

4. The site lies within the CA and section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in making decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character and appearance of the area. In undertaking this duty, I have based my assessment on the evidence presented before me and the observations I made during my site visit.

5. The Council's objection to the development relates solely to the frame and topiary that has been installed either side of the pediment and below the first floor windows. The Council argue that the frame can be seen through the topiary and that the materials used are of a poor design. The appellant argues that the topiary has been installed to "*visually symbolise the vegetarian nature of the establishment*".

6. The area has the appearance of a typical commercial, city centre area and although Granby Street itself contains a wide range of retail uses, the

shopfronts within the area are generally traditional in their design with large windows over stallrisers and below fascia's and signage. I find this to be part of the significance of the CA. The Council's Conservation Area Character Appraisal for Granby Street[1] identifies a number of problems with the CA, of which shop fronts, fascia advertisements and facades are in need of improvement.

7. The appeal site is quite unique in that it contains a pediment style fascia over the pilasters. The Council has provided a photograph of the appeal building before the appellant undertook works to the front elevation and although it is clear that the building historically contained a pediment, the front elevation of the building had a more orderly and traditional appearance. While I accept that the replacement shopfront has been deemed acceptable by the Council, the introduction of the topiary around the pediment serves to clutter the front elevation. Moreover, the frame attached to the front of the building, which appears to be a plastic mesh typically used as a garden trellis support, is clearly visible through the topiary.

8. Although I acknowledge the appellant's reasoning for installing the topiary around the pediment, I find the materials used to support it, and the topiary itself, a harmful addition to the front of the building which diminishes from the positive impact that the replacement shopfront has on the character and appearance of the CA. The development is an overbearing and garish addition to the front of the building that detracts from the more traditional shopfronts in the vicinity and fails to conserve or enhance the character and appearance of the CA. As the development would only harm part of the significance of the heritage asset, I find the harm identified to be less than substantial. Accordingly, the National Planning Policy Framework (the Framework) requires at paragraph 196 that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

9. Although the harm is less than substantial it should not be treated as a less than substantial objection to the proposal. No evidence has been submitted that there would be a public benefit from allowing the topiary and frame to remain which would outweigh the great weight that the Framework requires to be given to the conservation of heritage assets. Consequently, the development would not comply with paragraph 196 of the Framework.

10. Thus, the proposal would be in conflict with Policies CS3 and CS18 of the Leicester City Council Core Strategy 2014 and the Framework which seek, amongst other things, to ensure that developments protect and seek opportunities to enhance the historic environment including the character and setting of designated and other heritage assets.

Conclusion

11. For the reasons given above, and having regard to the development plan when read as a whole, the appeal is dismissed.

Graham Wyatt **INSPECTOR**

[1] Supplementary Guidance to the City of Leicester Local Plan 2006 Granby Street Conservation Area Character Appraisal March 2007