



Appeal Decision

Site visit made on 18 November 2019

by M Chalk BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 December 2019

Appeal Ref: APP/X1545/W/19/3236038
102B High Street, Maldon, Essex, CM9 5ET

- 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 Robert Muca (Venice Gelato Coffee Ltd) against the decision of Maldon District Council.
 - The application Ref FUL/MAL/19/00492, dated 23 April 2019, was refused by notice dated 11 July 2019.
 - The development proposed is described as replacement shopfront and change of use from Class A1 to Use Class A3.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The replacement shopfront had been installed prior to my site visit. I am satisfied that the plans as submitted are an accurate representation of the works that have been carried out, and have determined the appeal on this basis.
3. In determining the application the subject of this appeal the Council have not indicated any objection to the change of use of the appeal property from Use Class A1 to Use Class A3. Based on the evidence before me I likewise have found no harm in the change of use, and have restricted my decision to the matter of the replacement shopfront.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the street scene and Conservation Area of Maldon.

Reasons

5. The appeal site is within the Conservation Area of Maldon (the CA). I am therefore required to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA, in accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The High Street is a commercial road with businesses on each side, each with its own shopfront. There is considerable variety in the design of individual shopfronts in the street in the use of elements such as stall risers and transoms. However, in almost every shopfront within the street the windows are strictly defined using substantial vertical glazing bars. This confers a degree

of uniform character within the street while allowing variety for the individual shopfronts.

7. The shopfront that is the subject of this appeal has an open frontage comprising two large panes of glass either side of double doors, with no glazing bars between the panes.
8. The appellant has referred to other shopfronts within the street scene which lack glazing bars to all or some of their windows. I do not have the full details of the permissions that led to the windows being installed on of these premises but during my site visit I saw each property that the appellant identified, as well as many others along the High Street. From the evidence submitted and what I saw I find that shopfronts within the High Street typically do feature glazing bars and other features typical of shopfronts. These contribute to the general character of the High Street and wider CA by establishing an overall consistency in form and appearance to shopfronts in the street scene. Their absence from the appeal property results in the shopfront appearing out of keeping in the street scene due to its incongruous appearance, and it fails to preserve or enhance the character of appearance of the CA.
9. As material harm has been identified from this failure it is necessary to determine whether this amounts to substantial or less than substantial harm. Having regard to paragraph 196 of the National Planning Policy Framework (the Framework), the development proposed relates to a shopfront to a single property within a lengthy street and the harm would be less than substantial when weighed against the significance of the whole Conservation Area. This harm would not be outweighed by any benefits of the development, which involved the replacement of a deteriorating shopfront.
10. For the foregoing reasons I conclude that the development that is the subject of this appeal is harmful to the character and appearance of the street scene and the CA. It is therefore contrary to policies D1 and D3 of the Maldon District Council Approved Local Development Plan 2014-2029 July 2019, which when taken together require that developments respect and enhance the character and local context and make a positive contribution. Insofar as they relate to the main issues of this appeal, these policies accord with the design and heritage policies of the Framework.

Other Matters

11. The appellant has noted that neither the Council's Conservation Officer nor the Town Council objected to the application. However, it is for the decision maker to determine whether harm would result from the development proposed, taking all consultee responses and other material considerations into account.
12. The appellant also states that the property is not of architectural merit, and that the previous shopfront did not contribute positively to the CA. However, a well-designed replacement shopfront could have enhanced the character or appearance of the CA, even if the host building is not of architectural merit.

Conclusion

13. For the reasons given above I conclude that the appeal should be dismissed.

M Chalk

INSPECTOR