



Appeal Decision

Site visit made on 3 December 2019

by C L Humphrey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 December 2019

Appeal Ref: APP/X1355/W/19/3235311
16 North Terrace, Seaham SR7 7EU

- 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 David Kimmett (Kimmett & Roberts) against the decision of Durham County Council.
 - The application Ref DM/19/00693/FPA, dated 4 March 2019, was refused by notice dated 17 May 2019.
 - The development proposed was originally described as 'Retrospective application for change of use of Ground Floor from B1 to A2 and First and Second Floor from C3 to A1, A2 and B1 including advertising to front of property.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I noted at my site visit that the development which is the subject of this appeal has taken place. The description of development set out above is taken from the application form. However, it is clear from the evidence before me that the development includes changes to the shopfront fascia. Therefore, the appeal scheme would be more appropriately described as 'Change of use of ground floor from B1 to A2 and first and second floor from C3 to A1, A2 and B1 and alterations to shopfront'. I have considered the appeal on this basis as no party would be prejudiced or caused any injustice by my doing so.
3. The Council have raised no objections to the change of use of the premises, which I note is the subject of a separate extant planning permission¹. Based upon the submitted evidence I see no reason to take a different view.

Main Issue

4. Whether the alterations to the shopfront preserve or enhance the character or appearance of the Seaham Conservation Area (CA).

Reasons

5. The CA is characterised by a mix of elegant late Georgian and early Victorian buildings and a grid-iron pattern of housing arranged around the railway which runs eastwards to the harbour, and clearly reflects Seaham's origins as a planned industrial seaport.

¹ DM/18/00022/FPA

6. The appeal site is located on North Terrace in a block of commercial properties characterised by predominantly 2-storey buildings overlooking Terrace Green, an area of open space which provides a focal point in the public realm along the seafront. The property is thus highly prominent within this part of the CA.
7. The buildings in the terrace have a variety of shopfronts. However, they are generally in proportion to the respective host buildings and of a traditional design, many being constructed in painted timber with a flush fascia and decorative pilasters, consoles, brackets and cornices.
8. By contrast, the fascia at the appeal property has a box form. It projects substantially from the front elevation and has a significant height, finishing directly under the first floor window cills. As a result, it has a bulky and overbearing appearance which dominates the front elevation of the appeal property and is highly conspicuous in views up and down North Terrace and from Terrace Green.
9. I note the appellant's reference to the fascia on the adjacent property at 17A North Terrace, which also abuts the upper floor window. I do not have full details of the planning history of this other property, although the Council states that the site is the subject of an enforcement case. However, rather than setting a precedent for the appeal scheme, this example serves to highlight how the cumulative effect of incremental changes to buildings can have a materially adverse effect on the character and appearance of an area.
10. Whilst the shopfronts at 19 – 22 North Terrace extend to the first floor window cills, the fascia boards have a limited projection, and most are capped by a slim cornice with consoles and brackets. As such, they are of a more traditional design and less dominant form, and so are not directly comparable to the appeal scheme. In any event, I must determine the appeal on its own merits.
11. For the foregoing reasons, I conclude that the alterations to the shopfront fail to preserve or enhance the character and appearance of the CA. The appeal scheme is therefore contrary to the design and heritage conservation and enhancement aims of Policies 22 and 109 of the District of Easington Local Plan and the National Planning Policy Framework (Framework).
12. In the parlance of the Framework, the harm I have identified is less than substantial. However, any harm requires clear and convincing justification. I note that the alterations to the shopfront are associated with the change of use of the property which, the appellant states, has enabled 'a successful local business to relocate to a prominent position ensuring a sustainable use and providing a positive contribution to the area.' However, this does not amount to public benefits which convincingly outweigh the harm to the heritage asset, particularly as I have no evidence to demonstrate that such benefits could not be achieved through other, more sympathetic, means.

Conclusion

13. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

CL Humphrey

INSPECTOR