



Appeal Decision

Site visit made on 22 June 2020

by John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI

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

Decision date: 29 June 2020

Appeal Ref: APP/W4705/F/19/3240432

20-22 Highgate, Heaton, Bradford

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Abdul Shakoor against a listed building enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 24 September 2019.
 - The contravention of listed building control alleged in the notice is the installation of a replacement shop front and fascia sign board to the front elevation to the building.
 - The requirements of the notice are 1. Remove the unauthorised replacement shop front and fascia sign board from the front elevation of the building; and 2. Restore the shop front and fascia with one which match the style of the original shown in the attached photograph and drawing.
 - The period for compliance with the requirements is six months.
 - The appeal is made on the grounds set out in section 39(1)(e) and (g) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
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Decision

1. The appeal is dismissed, the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Reasons

2. On the appeal form it is stated, for both grounds of appeal, that "The Appellant intends to submit a full statement of case...". No such statement of case has been submitted and only brief facts were included on the appeal form.

The ground (e) appeal

3. The main issue is the effect of the shop front and fascia on the character and appearance, and significance, of 20-22 Highgate, a Grade II listed building.

4. A planning application was submitted by the Appellant in November 2017 for, in essence, the retention of the shop front and fascia. The application was refused and a subsequent appeal was dismissed on 9 July 2018. The previous Inspector carried out a thorough assessment of the listed building, its history and character and appearance, and the effect of the shop front and fascia on the building. Circumstances have not changed since the appeal decision was made and there is no reason to disagree with the Inspector's firm conclusion that the replacement shop front and fascia harms the character and appearance of the listed building, contrary to policy EN3 of the Council's Core Strategy.

5. The Inspector also concluded that the harm is less than substantial. In these circumstances the harm caused, with regard to paragraph 196 of the current National Planning Policy Framework (NPPF), should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use. The shop front and fascia did facilitate the re-use of the building which had fallen into a state of disrepair. This, however, does not justify the installation of an unacceptable shop front and fascia or outweigh the harm caused to the significance of the listed building. Alternative proposals for the shop front and fascia cannot be considered under a ground (e) appeal.

6. The installation of the replacement shop front and fascia sign board to the front elevation to the building has caused unacceptable harm to the character and appearance and significance of the listed building. The ground (e) appeal thus fails and listed building consent is refused for the retention of the works that are the subject of the listed building enforcement notice.

The ground (g) appeal

7. A ground (g) appeal is made where the Appellant maintains that the requirements of the notice exceed what is necessary for restoring the building to its condition before the unauthorised works were carried out. The only matter mentioned by the Appellant in support of his ground (g) appeal was the revised proposals that were considered and refused by the Council. No details of the revised proposals have been submitted but, in any event, this is not a relevant matter as revised proposals would not restore the listed building to its former condition. The ground (g) appeal thus fails.

John Braithwaite

Inspector