



Appeal Decision

Site Visit made on 23 July 2021

by S Edwards BA MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 September 2021

Appeal Ref: APP/D1265/W/21/3273130
27 Cheap Street, Sherborne DT9 3PU

- 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 Gerrard Matthews (Matthews Properties Ltd) against the decision of Dorset Council.
 - The application Ref WD/D/20/002692, dated 28 October 2020, was refused by notice dated 9 March 2021.
 - The development proposed is the remodelling of the existing shopfront reusing all the existing components except the clear glass.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The revised National Planning Policy Framework (the Framework) published on 20 July 2021 sets out the Government's planning policies for England. Policies within the Framework are material considerations which should be taken into account for the purposes of decision-making from the date of its publication. The parties were given the opportunity to comment on this matter, and I have had regard to the updated Framework in determining this appeal.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Sherborne Conservation Area.

Reasons

4. Located within the Sherborne Conservation Area, no 27 Cheap Street is a three-storey building comprising a retail frontage dating from circa 1930 to the ground floor, a first floor of coursed ashlar, and a later extension dating from the 20th century at second floor level. The design of the shopfront and use of modern materials reflect that of the Art Deco movement, with a full-width rectangular opening clad in 'Verde Alpi' marble. The 1930 glazed doorway with fanlight is flanked either side by projecting flat roof 'bay' windows in bronze framing. The decorative terrazzo floor, with its bold geometric shapes, reflects the form of the display windows, and add to the overall composition of the shopfront.
5. The appeal site forms part of a row of two- and three-storey buildings mostly in commercial use at ground floor level, with accommodation above. Whilst it is of a different style to the premises sited either side, there is no doubt that the

appeal site's shopfront represents an important part of the building's history and its evolution over time, whilst also reflecting the mercantile character of Cheap Street. By reason of its architectural interest, and because it illustrates the evolution of retail within the town's shopping precinct, the appeal building makes a positive contribution to the Sherborne Conservation Area.

6. The national Planning Practice Guidance¹ recognises that in some cases, local planning authorities may identify non-designated heritage assets as part of the decision-making process on planning applications. Whilst it may not have been previously identified as such within the Sherborne Conservation Area Appraisal, I have no doubt that the Council was correct in identifying the appeal building as a non-designated heritage asset as part of its assessment of the proposed development.
7. The appellant seeks to remodel the existing shopfront, notably to maximise the size of the display area and improve the security of the retail premises. Whilst the existing materials would be reused, the proposed development would result in the loss of the strong sense of symmetry, but also the elegant and elaborate configuration which characterise the existing shopfront. By bringing the display windows forward, the appeal scheme would also reduce the ability to appreciate the decorative terrazzo floor, which broadly represents a geometric projection of the shopfront plan.
8. Consequently, the proposal would harmfully erode the special interest of the shopfront and the contribution that it currently makes to the Sherborne Conservation Area. The loss of the shopfront in its present form would be particularly regrettable, given that there are limited examples of 'traditional' Art Deco shopfronts dating from the 1930s in this area.
9. The appeal scheme would therefore fail to preserve the special interest of the Sherborne Conservation Area. The magnitude of the harm would be less than substantial, but would nevertheless be of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
10. The appellant explains that the proposed development would safeguard the building's longevity and avoid another unit becoming vacant in the town centre. It is also argued that the remodelling of the shopfront would provide greater security for the site and more natural light into the ground floor level. However, the appeal premises are presently occupied and there is no certainty, having regard to the available information, that they would remain empty for a prolonged period of time when they are to become vacant. Furthermore, and in the absence of substantive evidence to the contrary, I cannot be sure that there are no less harmful alternatives which would achieve the presented benefits. For these reasons, I find that there are no public benefits which would outweigh the identified harm.
11. My attention has been drawn to a High Court decision² regarding the effect of development proposals on non-designated heritage assets. However, the circumstances of this case were different, in that the loss of the building identified as a non-designated heritage asset and the effect of its replacement

¹ Paragraph: 040 Reference ID: 18a-040-20190723.

² Dorothy Bohm and Others v SSCLG, London Borough of Camden and Jez San [2017] EWHC 3217 (Admin).

on the conservation area were found not to be harmful. As I have found that the proposed development would cause unacceptable harm to the Sherborne Conservation Area, the circumstances of this High Court case are considered of very limited relevance to the proposal before me.

12. Given the above, the proposed development would fail to preserve the character and appearance of the Sherborne Conservation Area. It would therefore conflict with Policies ENV4 and ENV14 of the West Dorset, Weymouth and Portland Local Plan 2011-2031 (adopted October 2015) and Section 16 of the Framework. These notably seek to ensure that development proposals conserve and where appropriate enhance the significance of heritage assets.

Other Matters

13. No concerns have been raised by the Council regarding the effect of the proposal on the Grade II listed buildings sited either side of the appeal premises, and there are no reasons for me to reach an alternative view. Accordingly, I am satisfied that the proposed development would preserve the special interest of nos 25 and 29 Cheap Street, as derived from their settings.

Conclusion

14. There are no material considerations, which indicate that the appeal should be determined, other than in accordance with the development. For the reasons detailed above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

S Edwards

INSPECTOR