The Planning Inspectorate

Appeal Decision

Site visit made on 14 December 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20th December 2021

Appeal Ref: APP/W4705/W/21/3278877
182 Heaton Road, Bradford BD9 4RJ

- 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 Q Hussain against the decision of City of Bradford Metropolitan District Council.
- The application Ref: 21/02055/FUL, dated 16 April 2021, was refused by notice dated 3 June 2021.
- The development proposed is described as 'retrospective planning application for replacement of existing shop front and roller shutters.'

Decision

1. The appeal is dismissed.

Preliminary Matters

2. Following the determination of the application and during the course of the appeal a revised version of the National Planning Policy Framework (the Framework) was published on 20 July 2021. This replaces the 2019 version. My decision is made in the context of the revised Framework

3. I observed on my site visit that an aluminium shopfront has been installed and a rendered finish introduced in place of the stall risers. I also note that the application has been submitted retrospectively. I have therefore determined the appeal on the basis that the development has, in part, already occurred, having regard to the plan and information submitted with the application[1].

4. The first reason for refusal cites effects of the development on the setting of Lister Mills, a Grade II* listed building. However, the submitted listed building description names the building as Manningham Mills. The Council has confirmed that the correct reference is Manningham Mills and I have used this throughout my decision.

Main Issues

5. The main issues are whether the proposal would i) preserve or enhance the character or appearance of the North Park Road Conservation Area; and ii) preserve the setting of the Grade II* listed building, Manningham Mills.

Reasons

6. No 182 Heaton Road (No 182) is a ground floor shop unit which occupies a highly prominent corner position at the junction of Heaton Road and Victor

[1] Drawing No RP01 Rev A, Existing/ Proposed Plans/ Elevations & Location Plan.

Road, with shop frontages to both streets. The submitted evidence confirms that previously the shop unit possessed a timber shopfront with traditional detailing. The building is located within the North Park Conservation Area (the CA), identified in the CA Appraisal 2007 as a key unlisted building and within a key view down Victor Road. It is also sited close to the Grade II* listed building, Manningham Mills.

7. A previous retrospective application for the replacement of the existing shop front and roller shutters was refused on 11 August 2020 and then dismissed at appeal on 22 December 2020[2].

Special interest and significance

8. The special interest and significance of the CA are largely derived from the area's predominantly planned street pattern and townscape, along with the architectural richness and variety of its historic buildings, which are products of its industrial, commercial and social history. These include the imposing landmark structure of Manningham Mills and its campanile chimney; the adjacent densely packed back-to-back mill workers' housing, interspersed with retail premises incorporating traditional shopfronts; artisan housing; and large villa residences which overlook Lister Park, a late Victorian civic park. The generally consistent use of traditional natural building materials such as sandstone, slate and timber joinery provide quality and harmony to the buildings and the street scene. These elements positively contribute to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

9. The Grade II* listed building Manningham Mills dates from 1873. It was designed by Andrews and Pepper for Samuel Cunliffe Lister, later Lord Marham. The building's special interest and significance are principally derived from its historic and architectural interests, in respect of its age and its illustration of a grand late-19th century textile mill in a boldly modelled Italianate design. The nearby terraces, of which No 182 is part, have an intimate physical, functional and historic association with Manningham Mill. They form part of its immediate setting, allowing the buildings' relationship to be understood and appreciated and therefore positively contribute to the significance of Manningham Mills.

10. Having regard to all of the above, I cannot agree with the appellant's assertion that No 182 has no significant architectural or historic interest and consider that it plays an important role in the area's distinct identity and sense of place.

Effects of the appeal proposal

11. Having regard to the submitted evidence and notwithstanding whether the previous timber shopfront with traditional detailing was in poor condition, its irreversible loss adversely undermines the merit of No 182 as a key unlisted building within the CA. This is contrary to Principle 1 of the Council's Shopfront Design Guide Supplementary Planning Document 2007 (the Design Guide SPD).

12. This harmful effect is compounded by the installation of a crude aluminium shopfront frame and doors along with a rendered finish in place of the stall risers. The proposed cladding of the doors and frame in timber would not reverse or negate this as, although the development would be carried out to a

[2] Application Ref: 20/02060/FUL and Appeal Ref: APP/W4705/W/20/3259728.

professional standard and painted and maintained thereafter, from the very limited evidence before me, the shopfront would altogether lack the fine grain detail and elegance of a traditional timber shopfront. I am also not convinced how practical and durable this approach would be.

13. Combined with what is shown on the submitted plan as profiled stallriser panels but annotated as 'render below shop front openings to match stone', the proposed shopfront would appear cumbersome and rudimentary, deficient of an appropriate quality of design befitting of such a notable building within the CA. This would not be in line with Principle 2 of the Design Guide SPD.

14. The existing external roller shutters are solid in form and present a blank and dead frontage to Heaton Road and Victor Road when closed. On this basis, they are contrary to Design Principle 2 of the Council's A Shopkeepers Guide to Securing their Premises Supplementary Planning Document 2012 (the Shopkeepers Guide SPD).

15. The incorporation of 'large holes' within the metal lats of the shutters would provide increased transparency and allow some light to filter through to the street when the premises is not in operation. However, of itself, this alteration would not overcome the fundamental objection to the principle of external roller shutters on a shop unit in this sensitive location. Furthermore, even if I were to accept this approach, as no drawing or technical detail of the form or appearance of the proposed roller shutters have been submitted, I cannot be certain of their effects on the building and the townscape and it is a detail which is not appropriate to be left to condition.

16. Given the prominent location of No 182, the harmful effects of the proposal would be unduly conspicuous and readily perceived from adjacent public routes. Overall, the proposal would materially diminish the identified positive characteristics of the CA as a whole and detract from the setting of Manningham Mills. In doing so, it would harm the significance of these designated heritage assets.

Public benefits and balance

17. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

18. With reference to Paragraphs 201 and 202 of the revised Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the limited extent and localised nature of the development, I find the harm to the heritage assets to be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal.

19. The appellant submits that the replacement of the shopfront means that the property is not vulnerable to rodent infestation and is more secure. Whilst these matters are important given the use of the premises, as benefits accruing

from the proposal they are principally of a private nature to the owner or occupier and not of a nature or scale to be of benefit to the public at large[3].

20. Furthermore, there is nothing before me which confirms that the traditional timber shopfront was wholly beyond repair and restoration or that, if justified, its replacement could not have been undertaken on a like-for-like basis. Nor has it been corroborated that, more appropriate and less harmful, internal lattice roller shutters cannot be installed within the shop unit.

21. Consequently, in attributing considerable importance and weight to the identified harm to the designated heritage assets, I find that there are no substantiated public benefits arising from the proposal which would outweigh that harm. Additionally, no clear and convincing justification for the identified harm has been provided.

22. Accordingly, I conclude that the proposal would not preserve or enhance the character or appearance of the North Park Road Conservation Area and would not preserve the setting of the Grade II* listed building, Manningham Mills. This would fail to meet the requirements of Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions within the Framework which seek to conserve and enhance the historic environment.

23. It would also not comply with Policies DS3, EN3 and SC1(11) of the Bradford Core Strategy Development Plan Document 2017 (the CS), in so far as they require the retention of existing built features which contribute to creating distinctive identity; shop front units to be consistent with the character, scale, quality and materials of the existing façade, building and street scene of which they form part; conserve and where appropriate enhance the heritage significance and setting of Bradford’s heritage assets; and be of a high quality and well designed. It would also not accord with the Design Guide SPD and the Shopkeepers Guide SPD.

24. The Council also cites Policy DS1 of the CS in its delegated report but not in its reason for refusal. This policy seeks to achieve good design. Given my reasoning and conclusion above, the proposal would also conflict with Policy DS1 of the CS.

Other Matters

25. The appellant highlights that planning permission has been granted for similar shopfronts with roller shutters within the street and the wider CA. However, no details of any shopfronts or the circumstances which led to their approval have been submitted. As such, I am unable to make any meaningful comparisons with the proposal before me. In any event, I have determined the appeal on its own merits and concluded that there would be harm which is not outweighed by any proven public benefits.

26. The appellant states that should the Planning Inspector wish to suggest any further amendment, these would be gladly welcomed. Nevertheless, the appeal process should not be used to evolve a scheme[4] and it is not for me in the

[3] Planning Practice Guidance, Historic Environment, What is meant by the term public benefits- Paragraph: 020 Reference ID: 18a-020-20190723
[4] Annexe M, Section M.2 Procedural Guide: Planning appeals – England Updated 13 October 2021.

context of an appeal under section 78 of the Town and Country Planning Act 1990 to suggest any amendments.

Conclusion

27. The proposal would be contrary to the development plan when taken as a whole. There are no other material considerations, including the Framework, which indicate that the decision should be made other than in accordance with the development plan.

28. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR