



Appeal Decision

Site visit made on 13 June 2022

by Julie Dale Clark BA (Hons) DipTP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH June 2022

Appeal Ref: APP/K2800/W/22/3291238

34 Abington Street, Northampton, Northamptonshire NN1 2AP

- 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 Amir Sultan against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0830, dated 13 October 2021, was refused by notice dated 15 December 2021.
 - The development proposed is proposed development is related to installation of electric shutter and change of front glass.
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Procedural Matters

1. The proposal is described on the decision notice as the installation of electric shutters and change of shop front glass (retrospective). This is a more succinct description than on the application form, quoted above, and so I shall refer to the development in accordance with the decision notice for clarity. Also, the post code on the application form is incorrect but other documents submitted have rectified this.

Decision

2. The appeal is allowed and planning permission is granted for the installation of electric shutters and change of shop front glass (retrospective) at 34 Abington Street, Northampton, Northamptonshire NN1 2AP in accordance with the terms of the application, Ref WNN/2021/0830, dated 13 October 2021, and the plans submitted with it.

Main Issue

3. I consider that the main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The application site is outside the Derngate Conservation Area and I have had regard to Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in terms of the desirability of preserving and enhancing the character and appearance of a Conservation Area. Reference has also been made by the Council to a locally listed building, 32 Abington Street. I have also

considered the advice in the National Planning Policy Framework¹ regarding heritage assets.

5. The appeal site is on the corner of Abington Street and Fish Street. Abington Street is not within the conservation Area but is a pedestrianised retail street in the Town Centre. The boundary to the Conservation Area is at the end of the block containing the appeal site on Fish Street. Whilst the appeal site is a corner property and has shop fronts on both Abington Street and Fish Street, its access is on Abington street and so it relates more to this main thoroughfare than the lesser side street, Fish Street. Physically, it reflects the retail character of Abington Street and is a little distance away from the Conservation Area with other prominent uses, including Ladbroke's (betting shop) and The Fish, a Public House between No 34 and the Conservation Area.
6. The locally listed building, No 32 Abington Street is on the opposite corner of Fish Street and comprises a substantial Costa coffee shop with corporate signage to both Abington Street and Fish Street. The heritage interest of this property lies more in its upper floors which include metal organ pipes and a clock. Its heritage qualities are less evident at ground floor level where this property is similar in character to other Costa coffee shops in town centres.
7. The appeal site has already altered its shop front which seems to go beyond replacing glass but includes a new metal frame to both its Abington Street and fish Street elevations. It also has a smaller window on the corner. The roller blinds have also been installed as part of the frames. The design, style and materials have no heritage attributes but rather appears as a functional, modern replacement.
8. The Council refer to the loss of a traditional shop front and although this may be the case, no details have been submitted of the shop front before it was replaced. However, I was able to assess the likely design based on that of the adjacent properties on Abington Street and Fish Street.
9. Policy 1 of the Northampton Central Area Action Plan² indicates that a high standard of design must be demonstrated in all development within the Central Area and should follow a set of objectives. These include making a positive contribution to the character of an area and preserving and enhancing the setting of the central area's heritage assets, amongst other things. Core Strategy³ Policy 10 sets out principles for sustainable development, which include requiring development to be of a high standard of design and that it protects, conserves and enhances heritage assets and their settings, amongst other things.
10. The replacement shop front and roller shutters are not consistent with the Design Guide as the design of the frontage does not reflect traditional characteristics and the roller shutters are solid. However, the black metal design is relatively unintrusive and the roller shutters are housed within the frame with only a modest projection. The shop includes a fascia sign but this is not part of this application and appeal. The overall scale of the shop is modest although I accept that it is more prominent due to its corner location. Overall, I do not find that it is at odds with the general character of this retail area.

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

² Northampton Borough Council Northampton Central Area Action Plan, Adoption January 2013.

³ West Northamptonshire Joint Core Strategy Local Plan (Part 1), Adopted – December 2014.

11. Furthermore, I do not consider that the location of the appeal site and the shop front and its shutters affect the Conservation Area or its setting. The shop is seen in the context of the other retail units including those on Abington Street and so does not conflict with the heritage attributes of the Conservation Area. I do not therefore consider that the character or appearance of the Conservation Area is adversely affected and the proposal does not detract from the preservation of its setting.
12. No 32 Abington Street is a locally listed building and is seen in the context of the appeal site as they both front Abington Street and are on opposite corners of Fish Street. However, No 32's main interest is at its upper levels so at street level, the Costa signage is more prevalent. I do not therefore consider that the scale of the proposal, in this context detracts from the locally listed building.
13. Whilst, the Design Guide seeks to improve shop fronts, I do not see any undue harm arising from this proposal. Its design may not meet the expectations that the Council seek but in this case, and in this context, I do not see the harm caused by conflicting with the Design Guide, sufficient to warrant refusal. My view on this matter does not undermine the objectives of the Design Guide and is specific to this site. In reaching this view, I am mindful that the shop trades in high value goods and security is paramount to its viability. I have also taken into account the range of other shop fronts and security measures in the Town Centre and cannot find sufficient harm in this case to justify withholding permission.
14. My assessment is a finely balanced one and should not be taken as a precedent for allowing replacement shop fronts or roller shutters that conflict with the aspirations of the Design Guide. Given the location, scale of the shop front and taking into account all matters raised, I consider that the proposal would not undermine the policies referred to and on balance is acceptable. The appeal therefore succeeds.

J D Clark

INSPECTOR