



Appeal Decision

Site visit made on 28 July 2022

by Debbie Moore BSc (HONS), MCD, MRTPI, PGDip

an Inspector appointed by the Secretary of State

Decision date: 08 August 2022

Appeal Ref: APP/V4305/C/22/3294729

52 Eccleston Street, Prescott, Knowsley

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr Arumugam Kalamohan against an enforcement notice issued by Knowsley Metropolitan Borough Council.
- The enforcement notice was issued on 10 February 2022.
- The breach of planning control as alleged in the notice is without planning permission, the installation of a new shop front.
- The requirements of the notice are:
 - 1) Remove all parts of the new shop front installed without the benefit of planning permission including the flat adhered panels.
 - 2) Reinstate the former shopfront as existed prior to the breach of planning control as shown on photographs A and B in Appendix 1. In particular the reinstated shopfront shall include the following: (a) be constructed wholly of timber, with dark stained or dark coloured paint to match the previous design; (b) a stall riser with traditional panelled-effect detail; (c) a recessed doorway; (d) clear glazed shop windows; (e) mullions dividing the shop windows so that they are of a vertical orientation; and (f) the reinstatement of pilasters.
 - 3) The existing projecting box shutter and guide rails may be re-used.
 - 4) Make good any damage to brickwork and pointing.
- The period for compliance with the requirements is six months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) of the 1990 Act as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice is upheld in the terms set out below in the Formal Decision.

The ground (a) appeal and the deemed planning application

Main Issue

1. The ground (a) appeal is that planning permission should be granted for the matters alleged. The terms of the deemed planning application are derived from the allegation, hence, planning permission is sought for the installation of a new shop front. The main issue is whether the development preserves or enhances the character or appearance of the Prescott Town Centre Conservation Area.

Reasons

2. The appeal concerns a retail unit, which forms the ground floor of a two-storey terraced building, located within the Prescott Town Centre Conservation Area. The building dates from the mid-late 19th Century and is constructed from traditional red brick with decorative eaves and contrasting string courses. It forms part of a row of retail units situated on an attractive pedestrianised

- shopping street. Many of the units have traditional shop fronts, which make a positive contribution to the street scene.
3. The significance of this part of the Conservation Area, insofar as relevant to the matters before me, can be attributed to the Victorian and Edwardian terraced buildings and their remaining/reinstated architectural details, which are typical of the era.
 4. The replacement shop front is of a modern design with large windows and a low stall riser. The recessed doorway has been replaced with a flat frontage. This is in contrast with the previous shop front, which was constructed from timber and incorporated a panelled stall riser, a recessed doorway and there were mullions dividing the panes.
 5. The shop front, as installed, does not relate well to the 19th Century building of which it forms part. It jars with the style and proportions of the host building and does not reflect the traditional design of the shop fronts either side. In addition, the flat frontage, large-scale glazed panes and modern materials make the development stand out as an inappropriate feature thus harming the significance of this part of the Conservation Area. Given the relatively localised impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
 6. Under such circumstances, paragraph 202 of the National Planning Policy Framework (the Framework) advises that this harm should be weighed against the public benefits of the proposal. The appellant is of the opinion that the development would ensure the longer term viability of the unit, in particular, because the recessed doorway would result in an unacceptable loss of trading floorspace and breach relevant safety standards. However, there is very limited evidence that the continued viable use of the appeal property is dependent on the doorway as installed. The unit previously had a recessed doorway and remained viable. Presumably there was also unimpeded access to the upper floors in the former arrangement.
 7. Given the above and in the absence of any substantiated public benefit, I conclude that, on balance, the shop front fails to preserve the character and appearance of the Prescott Town Centre Conservation Area. This fails to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 197 of the Framework and conflicts with Policies CS2, CS19 and CS20 of the Core Strategy (2016), saved Policies DQ5 and S9 of the Unitary Development Plan (2006), and the Council's Shopfront and Signage Design: Supplementary Planning Document (2016) that seek, among other things, to enhance local character and promote quality of place, protect heritage assets and ensure shop fronts are well-designed and harmonious with their surroundings. As a result, the development is not in accordance with the development plan.
 8. The appellant has submitted an alternative scheme which, it is argued, would comply with all of the requirements of the enforcement notice, except that which specifies a recessed doorway. The shutter housing would also be replaced and housed within the fascia, which is considered to be a further benefit. Section 177(1)(a) of the 1990 Act gives powers for an Inspector to grant planning permission in respect of the matters stated in the enforcement notice as constituting the breach of planning control, whether in relation to the whole or any part of those matters, or the whole or any part of the land to

which the notice relates. I must, therefore, consider whether the alternative scheme amounts to 'part of the matters'.

9. The alternative scheme would contain a central, non-recessed doorway and in that respect, it would reflect the development enforced against. However, there do not appear to be any elements of the development, as stated in the notice, that would be retained. What is proposed is an entirely different shop front. There are no aspects that are severable. As such, this cannot be considered to form part of the matters and to do so would be outside of my powers. I have not, therefore, considered the planning merits of the alternative scheme.

Conclusion

10. For the reasons given above, I conclude that the appeal should not succeed and the ground (a) appeal fails. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Formal Decision

11. The enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Debbie Moore

Inspector