



Appeal Decision

Site visit made on 5 August 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 September 2022

Appeal Ref: APP/W4705/W/22/3301681

Ground floor, Westgate House, 12 New John Street, Bradford BD1 2QY

- 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 Muhammad Ali (Empire) against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 21/05645/FUL, dated 7 November 2021, was refused by notice dated 4 January 2022.
 - The development is change of use from retail to café and new shopfront.
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Decision

1. The appeal is allowed and planning permission is granted for change of use from retail to café and new shopfront at Ground floor, Westgate House, 12 New John Street, Bradford BD1 2QY in accordance with the terms of the application, Ref 21/05645/FUL, dated 7 November 2021, and the plans submitted with it (4D01, 4D02, 4D05 and 4D06), subject to the following conditions:

- 1) Unless within 4 months of the date of this decision a scheme detailing the external materials of the shopfront to the front elevation as shown on drawing 4D06 is submitted in writing to the local planning authority for approval, and unless the scheme is implemented in accordance with the approved details within 6 months of the local planning authority's approval, occupation of the site as a café shall not take place, or, if occupation has already taken place, occupation shall cease until such time as the scheme is approved and implemented.

If no scheme in accordance with this condition is submitted within 4 months of the date of this decision, any occupation of the site as a café shall not take place, or, if occupation has already taken place, occupation shall cease until such time as a scheme approved by the local planning authority is implemented.

Upon implementation of the approved scheme specified in this condition, those materials shall thereafter be retained.

In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

- 2) Installation of the shopfront to the rear elevation, as shown on drawing 4D06, shall not commence until details of the external materials to be used in that shopfront have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Preliminary Matters

2. The development description on the application form includes reference to the development being retrospective. I have removed this wording as this is not an act of development.
3. The new shopfront to the front elevation is in place. The front elevation shopfront appears to match that shown on the plans, however, no details of the materials are provided on the plans. The framework surrounds to the glazing constructed on site appear to be powder coated metal in black. For the avoidance of doubt, I have determined the appeal on the basis of the plans submitted.
4. I noted a variety of uses within the area including the neighbouring hair dressing salon and mini supermarket on the opposite side of the road. Cafés were not overly abundant in the immediate area. I also noted that there were vacant premises nearby. The change of use would support and contribute towards the vitality and viability of the city centre. I therefore have no reason to disagree with the Council that the change of use would be acceptable.

Main Issue

5. The main issue is whether the development would preserve or enhance the character or appearance of the Bradford City Centre Conservation Area.

Reasons

6. 12 New John Street is at one end of a short row of terraced properties. The site is located within the Bradford City Centre Conservation Area (CA). Within the CA, a dense built form with buildings generally two storeys and over, the predominant use of traditional stone and slate building materials and the ornate detailing to some buildings indicative of wealth and prestige contribute to its character and appearance. The property forms part of a three storey terrace constructed of local, honey coloured stone which exhibits ornate and traditional architectural detailing and for this reason contributes to the significance of this part of the CA.
7. Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 contains a statutory duty which requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of that area. The Bradford City Centre Conservation Area Appraisal emphasises the harmful effects that inappropriate alterations to traditional shopfronts can have. I also note, amongst its advice, that the Shopfront Design Guide Supplementary Planning Document 2007 (SPD) contains a design principle to the effect that where traditional shopfront detailing is evident or likely to survive, its retention will be sought.
8. However, there is no substantive evidence before me which indicates that traditional shopfront elements are concealed and would be lost as a result of the grant of planning permission. Whilst the Council reference images dating

from 2019 to support their case in this regard, these images have not been submitted.

9. The traditional detailing shown on the plans, and which I viewed on my visit, such as the timber pilasters, plinths and the ornate stonework detailing above, would be retained. On the rear elevation the metal window surrounds to part of an existing shopfront and the fascia above, proposed for replacement, do not contribute positively to the character or appearance of the host property or the area. The extent to which the sliding doors and windows would provide more of a horizontal emphasis to the design would not be harmful. Adequate vertical emphasis would remain, as a result of the size of the glass panes, the width of, and spacing between, the mullions and the retention of the pilasters. The plans do not identify the material or colour finish of the shopfront. However, conditions can be imposed which would control this.
10. Furthermore, within the CA there are a variety of shopfronts. On my visit, I noted that of those which are well designed and contribute positively to the appearance of their street scenes, there were several with features such as transom bars and clerestory lights above which provide a degree of horizontal emphasis. Spotlights and signage are not shown on the proposed plans nor referenced within the description of the development. Furthermore, no application for express consent pursuant to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 is before me. Therefore, the spotlights and signage are not subject to this appeal.
11. Though a previous application for a restaurant within the premises may have included the reinstatement of the traditional frontage, the full details of that case are not before me and, irrespective, I must determine this case on its own merits. It may be that no justification has been provided in respect to why the original frontage could not be retained and reinstated. However, I do not find that this is a determinative matter, an assessment of whether or not the development would preserve or enhance the character or appearance of the CA can be made without such a justification.
12. However, on the basis of the evidence before me, and for the above reasons, the form and proportions of the shopfront in this case are acceptable, befitting of the host property and street. The character and appearance of the CA would be preserved. In turn, the development is in accordance with Policy EN3 of the City of Bradford Core Strategy Development Plan Document 2017, which amongst other things, requires that developments conserve and where appropriate enhance Bradford's heritage assets whilst respecting and reinforcing the distinctive character within which they are located. The SPD includes guidance which is quite prescriptive including in respect to materials which are not confirmed on the plans. I have had regard to this content but, given the form and proportions of the shopfront are acceptable, the development accords with the overall aims of the SPD. In finding that the character and appearance of the CA would be preserved, the assessment of the public benefits of the development, referenced at paragraph 202 of the National Planning Policy Framework, is not necessary.

Conditions

13. As the development has taken place there is no need for the standard commencement condition or a plans condition though, for clarity, the plans are listed in my Decision. Condition 1 is imposed to ensure that the shopfront materials to the front elevation are submitted, approved and, if any further works are necessary, implemented so as to make the development acceptable in planning terms in the interests of the character and appearance of the CA.
14. I note the comments of the Council on this condition. There is a strict timetable for compliance because permission is being granted retrospectively, and it is not possible to use a negatively-worded condition to secure the approval and implementation of the front elevation materials before this part of the development takes place. The condition will ensure that the development can be enforced against if the requirements are not met and this includes delay to the necessary agreement of the external materials. The change of use from retail to café is included in the description of the development that has been applied for and the appeal has therefore been determined on this basis.
15. Though the sanction within condition 1 that the use of the premises must cease should the external materials not be agreed is strict, this is necessary given the development is partly retrospective in nature. A condition to the effect that no shopfront works shall take place until details of external materials have been submitted and agreed would not be appropriate in this case given works have already commenced. The rear elevation shopfront had not been installed at the time of my visit and I have therefore imposed condition 2 to secure the appropriate use of materials on this elevation in the interests of the character and appearance of the CA.

Conclusion

16. For the reasons set out above, the appeal is allowed subject to the conditions above.

H Jones

INSPECTOR