



Appeal Decision

Site visit made on 13 April 2023

by Ian Radcliffe BSc(Hons) MRTPI MCIEH DMS

an Inspector appointed by the Secretary of State

Decision date: 27th April 2023

Appeal Ref: APP/X3025/W/22/3309702

85 West Gate, Mansfield, Nottinghamshire NG18 1RT

- 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 Ram against the decision of Mansfield District Council.
 - The application Ref 2020/0537/COU, dated 1 October 2020, was refused by notice dated 6 May 2022.
 - The development proposed is 'convert office into office and residential'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of development in the heading above has been taken from the planning application form. It is imprecise as it does not describe the extent of development proposed in terms of change of use and external work. I have therefore determined the appeal on the basis of the description of development cited on the appeal form, the appellant's statement of case and decision notice. This description is 'change of use of first and second floors from office to residential with single storey extension to front elevation and new shopfront along with the installation of 4 no. uPVC windows on the front elevation and installation of uPVC windows on the rear elevation'.
3. In accordance with the appellant's statement of case, I have determined this appeal on the basis of the shopfront and windows as built, rather than the proposed shopfront and windows shown in the plan that initially accompanied the application.

Main Issue

4. The change of use of the offices on the first and second floor into residential accommodation is acceptable in principle. The main issue in this appeal therefore is the effect of the development on the character and appearance of Westgate Conservation Area.

Reasons

5. The National Planning Policy Framework ('the Framework') is an important material consideration. It identifies that heritage assets are an irreplaceable resource. Paragraph 199 advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a Conservation Area, great weight should be given to the asset's conservation.

6. The appeal site is located within Westgate Conservation Area. Policy HE1 of the Mansfield District Local Plan requires that development proposals affecting conservation areas make a positive contribution to the character, distinctiveness and appearance of the conservation area and preserves or enhances its significance. Policy P8 of the Local Plan states that where proposals affect heritage assets, changes to shop fronts will not be permitted if they fail to preserve or enhance the area's character, appearance and setting.
7. In the exercising of planning functions, the statutory test in relation to conservation areas is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. The conservation area covers that part of the town centre which contains well designed older and historic buildings which follow the historic street pattern that dates back to medieval times. Use of limestone, either as a main building material or for detailing, as well as red brick and slate roofs is widespread. The significance of the conservation area and its buildings, which date from the seventeenth through to the twenty first centuries, is therefore architectural and historical.
9. The appeal property forms part of a brick built terrace with a slate roof. Timber framed sash windows are original features of the terrace which 73 to 79 Westgate still have. On the basis of the submitted drawings, No 85 had sash windows to the front elevation above ground floor level and to the rear elevation at third storey level prior to the development that has been carried out. The narrowness of the frames of sash windows, their overlapping meeting bars and deep reveals are important architectural features of the buildings in the terrace.
10. The windows in the 'As built' drawing are shown as having the same design as the windows that were removed. However, what has been installed is quite different: thick framed uPVC casement windows with a minimal reveal. The presence of uPVC glazing to the properties on either side of No 85 does not alter my view that the installed windows are deeply unsympathetic to the building and the conservation area. The building's rear third storey windows are visible from St John Street. However, owing to the close spacing of the two storey rear extensions to the terrace the windows below the third storey of the appeal property, which are within the flank of the rear extension, are not visible in public views of the conservation area. As a result, the use of uPVC to replace the existing windows in the rear two storey extension to the property is acceptable.
11. The Conservation Area Character Appraisal and Management Plan (CACMP) for Westgate notes in relation to the appeal property that the modern shopfront (which has been replaced by the 'as built' shopfront) was unsympathetic to the street scene and that the reinstatement of a traditional styled shopfront would improve the visual appearance of the building in the street. On the basis that the shops that make a positive contribution to the conservation area share a number of features of traditionally designed shop windows, such as stall risers, overlights and mullions, I agree with that assessment. Therefore, whilst the single storey front extension in reflecting the historic solid boundary in front of shops along the terrace is acceptable, the minimal stall riser and the large expanse of unrelieved glazing to the shop front is not. In failing to retain the proportions of the previous shop front shown in a submitted plan, and failing to incorporate features of traditionally designed shop fronts, the new shop front is out of scale with the building, fails to

make a positive contribution to the conservation area and fails to preserve or enhance its character and appearance.

12. The harm caused by the development to the significance of the conservation area as a whole is less than substantial. In such circumstances, paragraph 202 of the Framework advises that the harm caused should be weighed against the public benefits of the development.
13. In accordance with the statutory duty described, I attach considerable importance and weight to the harm caused to the conservation area. On the other side of the balance, the proposal has resulted in some construction employment and has provided some additional residential accommodation with energy efficient windows in a town centre with a wide range of services and facilities. I attach moderate weight to these benefits of the scheme.
14. Taking all these matters into account, my overall conclusion is that the public benefits of the proposal fall a long way short of outweighing the harm caused to Westgate Conservation Area. The development is therefore contrary to a policy of the Framework that provides a clear reason for refusing the development proposed, as well as being contrary to policies HE1 and P8 of the Local Plan and failing the statutory test.

Conclusion

15. I have found that the development conflicts with the development plan as a whole and the Framework and there are no other considerations which outweigh this finding. Therefore, for the reasons given above, the appeal should be dismissed.

Ian Radcliffe

Inspector