



Appeal Decisions

Site visit made on 2 June 2023

by G Pannell BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 July 2023

Appeal A Ref: APP/X3540/W/22/3301900

243 London Road South, Lowestoft, NR33 0DS

- 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 Araz Menooei against the decision of East Suffolk Council.
 - The application Ref DC/22/1327/FUL, dated 4 April 2022, was refused by notice dated 30 May 2022.
 - The development proposed is Change of use A5 to A1 Barber shop, shutter to the front with associated new shop front, removal of chimney and replacement of first floor upvc window.
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Appeal B Ref: APP/X3540/H/22/3301901

243 London Road South, Lowestoft, NR33 0DS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Araz Menooei against the decision of East Suffolk Council.
 - The application Ref DC/22/1328/ADI, dated 4 April 2022, was refused by notice dated 30 May 2022.
 - The advertisement proposed is Illuminated Acrylic advertisement.
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Decision

1. Appeal A is dismissed
2. Appeal B is dismissed

Preliminary Matters

3. On the 1 April 2019 Waveney Borough Council was dissolved and along with Suffolk Coastal District Council became a new non-metropolitan district council known as East Suffolk Council. The development plans for the merged local planning authority remain in place for the former area of the Waveney District Council until such a time as they are revoked or replaced. It is therefore necessary for me to determine this appeal with reference to policies set out in the plans produced by the now dissolved Waveney District Council.

4. On 1 September 2020, the Town and Country Planning (Use Classes) (Amendment)(England) Regulations 2020 came into force and have made significant amendments to the previous system of use classes. Under the new system, Class A has been revoked and a new Class E which incorporates the previous shops (A1), financial and professional services (A2), restaurants and cafes (A3) and offices and other business uses (B1) use classes within Class E. Therefore, the proposed use now falls within Class E and not as set out within the banner heading above, which has been taken from the application form.
5. The Council have not raised any objection to the change of use from Hot Food Takeaway to a Barbers. I consider that this part of the proposal would not result in harm to the Kirkley District Shopping Centre and is in accordance with policy WLP2.12 of the Waveney Local Plan 2019 (LP) which sets out that New Town Centre Use Development will be permitted within the Kirkley District Centre where the scale and function of the development is consistent with the role of the District Centre and would not impact on the vitality and viability of Lowestoft Town Centre.

Main Issue

6. The main issue in Appeal A is the effect of the development on the character and appearance of the Lowestoft Conservation Area.
7. The main issue in Appeal B is the effect of the signage on the visual amenity of the area.

Reasons

8. The appeal property is situated along London Road South, which is located within the designated Kirkley District Shopping Centre, which comprises a range of predominantly smaller units in both retail and leisure use. The site falls within the South Lowestoft Conservation Area (CA) with its character derived from its nineteenth and twentieth century development into a seaside pleasure resort. This has provided the CA with a distinctive character and appearance, with a townscape that dates mainly to the mid nineteenth century, with the majority of the buildings reflecting the architectural style of the Victorian period.
9. The South Lowestoft Kirkley Conservation Area Appraisal (CAA) sets out that the special interest of London Road South is derived from its commercial character and historic building stock which reflects its development through the later nineteenth century. The street plan is formed predominantly by long straight roads which have been laid out to run parallel to the seashore.
10. Commercial buildings line the main street in a variety of architectural styles in terms of heights, materials, detailing, and uses, although there is cohesion through the number of shopfronts, which form an important feature of the area and make a collective contribution to its commercial character. Although the shopfronts throughout the area are of variable quality and design, together they form an important feature of the area and make a collective contribution to its commercial character.

11. The CAA notes that on the west side of London Road South is a stretch of buildings from Number 241 to 273, which are varied in architectural style. They range from two to three storeys in height and comprise of shopfronts (many of which have been altered) on their ground floor with flats above. The majority are in painted brick or render.
12. The site is opposite the junction with Claremont Road, where views to the seafront are framed by the tall streetlights, street trees and by tall metal arches which lead the eye towards the pier. These provide a waymark along the street. The site is visible in views from the seafront up Claremont Road.

Appeal A – character and appearance

13. The appeal proposal seeks to regularise the replacement of the existing shopfront with an aluminium frame, shallow stall riser, glazed door and large panes of glazing, the removal of the existing chimney and the installation of a roller shutter door. A building's fenestration is an important component in defining its visual and architectural character.
14. The evidence before me indicates that the previous shop front, whilst not original, was timber with a modern tiled stall riser and did retain elements of a traditional shopfront with a stall riser and timber door. The proposal results in the loss of these features which contribute to the significance of the Conservation Area.
15. The replacement shopfront does not successfully replicate the smaller panels of glazing which are evident within other shops with more traditional shopfronts along London Road South and the use of aluminium and large expanses of glazing is discernibly different in both materials and character to the traditional shopfronts within the Conservation Area. Furthermore the introduction of a roller shutter would materially alter the external appearance of the building within the street scene when it is closed, creating a blank façade.
16. As a result, the replacement shopfront detracts from the quality of detailing which is evident in the neighbouring properties, and which contributes to the character of the Conservation Area. It is considered that the detailing and the resulting change in appearance does not contribute to the significance of the host building and therefore fails to preserve or enhance the Conservation Area.
17. The proposal also seeks to regularise the demolition of the existing chimney. The CAA highlights that chimneys are an extremely important feature of the South Lowestoft Kirkley Conservation area and there are several other examples of chimneys on the commercial buildings along London Road South. Whilst the appellant makes reference to the chimney being unsafe, limited evidence has been provided to support this or that its rebuilding is not possible. In combination with the other changes that have been made to the building, the loss of the chimney fails to preserve or enhance the Conservation Area.

18. I have considered the other examples that have been drawn to my attention in London Road South that the appellant has referred to. However, these other examples add to my concern about the incremental harm which arises from the replacement of the original features. Furthermore the CAA sets out that there is an aspiration for enhancement of historic shopfronts through the London Road, Lowestoft High Street Heritage Action Zone, which aims to improve the appearance of 40 commercial properties through reinstatement of historic shopfronts, signage enhancement, repair and maintenance.
19. In line with paragraph 199 of the Framework, when considering the impact of a proposed development, great weight should be given to its conservation. Given that the proposal would be of a relatively small scale in the context of that of the Conservation Area, I find the harm to the heritage asset to be less than substantial in this instance.
20. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant has outlined some benefits associated with the scheme, such as the degradation of the existing chimney, with its removal being required in order to ensure safety. However, I do not consider that these amount to a public benefit arising from the proposal. Therefore, there is no public benefit sufficient to outweigh the harm.
21. I conclude therefore that the proposed development would fail to preserve or enhance the character and appearance of the CA. This would be contrary to policies WLP8.29 and WLP8.39 of the LP which seek to demonstrate high quality design which reflects local distinctiveness and preserve or enhance the character or appearance of the area.

Appeal B – visual amenity

22. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area.
23. The proposed advertising signs have already been provided on site. The internally illuminated acrylic signage is incongruous, unduly prominent and visually intrusive in the street scene. I consider that the size of the signage which is taller than the adverts which exist on the neighbouring buildings causes harm to the visual appearance of the area and fail to preserve or enhance the CA. Consequently, I conclude that the advertisements have a harmful effect on amenity and fail to preserve the character or appearance of the CA.
24. Whilst not determinative, I have taken into account policy WLP8.39 of the LP which seeks to protect amenity and so is material in this case. Given I have concluded that the proposal would harm amenity, the adverts are in conflict with the policy.

Other Matters

25. The appellant has indicated that they would be willing to amend the scheme as submitted to change the colour of the roller shutter, amend the boxing and remove the proposed illumination. However, I do not have sufficient detail before me, in terms of amended details, to come to a view on whether these suggestions would overcome the harm I have identified and therefore I given this suggestion limited weight.
26. I have taken into account the concerns set out within the appeal statement about the potential impacts arising from the outcome of the appeal on the appellant's business. However, the personal circumstances set out within the evidence before me are not sufficient to outweigh the harm I have identified.

Conclusion

27. For the reasons given above I conclude that Appeal A should be dismissed.
28. The proposed advertisement would prejudice interests of amenity and accordingly, Appeal B should be dismissed.

G Pannell

INSPECTOR

Appendix 1

List of those who have appealed.

Reference	Case Reference	Appellant
Appeal A	APP/X3540/W/22/3301900	Mr Araz Menooei
Appeal B	APP/X3540/H/22/3301901	Mr Araz Menooei