



Appeal Decisions

Site visit made on 30 August 2023

by M Woodward BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 October 2023

Appeal A Ref: APP/E2530/W/23/3318138

Divine Nails, 28 High Street, Stamford PE9 2BB

- 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 Divine Nails against the decision of South Kesteven District Council.
 - The application Ref S22/2128, dated 24 October 2022, was refused by notice dated 6 March 2023.
The development proposed is repaint shop front, retain 2no. vents through existing glazing, replacement signage and retention of hanging sign.
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Appeal B Ref: APP/E2530/Y/23/3318145

Divine Nails, 28 High Street, Stamford PE9 2BB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Divine Nails against the decision of South Kesteven District Council.
 - The application Ref S22/1946, dated 27 October 2022, was refused by notice dated 14 February 2023.
 - The works proposed are repaint shop front, retain 2no. vents through existing glazing, replacement signage and retention of hanging sign.
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Decision

1. The appeals are dismissed.

Preliminary Matters

2. As I observed during my site visit, the works have been largely completed and generally align with the submitted drawings.
3. As the proposal is in Stamford Conservation Area (CA) and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are whether the proposal would preserve a Grade II listed building, '28 and 29 High Street' (Ref: 1062233), and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Stamford Conservation Area.

Reasons

5. The appeal property is Grade II listed and forms part of a single listed building entry at 28 and 29 High Street. It dates from approximately the mid-18th century, comprising two-storeys with sash windows set at first floor level and a stone slate roof. The ground floor comprises a shopfront with a centrally positioned entrance door and large windows on either side framed by ornamented pilasters. The building's façade exhibits a balanced and pleasing appearance and whilst the shopfront has been altered, it retains a traditional style, illustrating the building's historic contribution to the High Street, without detracting from its original composition. Given the above, I find that the special interest of the listed building, insofar as it relates to these appeals, to be primarily associated with its historic legibility as a traditional shop building.
6. The appeal building's function and its traditional appearance is consistent with the wider street scene, which exhibits traditional shops at ground floor level fronting an assortment of historic buildings. It is a street characterised by its historic architectural richness and well-preserved commercial character. Consequently, insofar as it relates to these appeals, I find the significance of the CA to be primarily associated with the legibility, materials and architectural detail of its historic commercial buildings.
7. The vents include a cover with a slatted design, and they have a distinctly synthetic appearance. In combination with their position within the upper portion of the shop windows, they are highly visible, utilitarian features. Whilst each vent occupies a modest proportion of each window, their contrast with the transparent plane of glass within which they sit further accentuates their highly incongruent appearance, reinforcing their unsympathetic relationship with the architectural interest of the listed building. Overall, the works undermine the building's historic integrity thus failing to preserve its special interest.
8. In relation to the CA, and for the reasons set out above, the vents detract from the shop front's traditional appearance and the contribution it makes to the distinctive character of the street. Whilst the appellant refers to other examples of vents along High Street, I did not see any comparable examples on my site visit. Moreover, no information in relation to the respective contexts of those sites has been provided. In any event, I find that this scheme is unduly prominent in the street, to the detriment of the character and appearance of the CA.
9. The appellant states that the vents could be painted an alternative colour. However, this would not address the harm I have identified in relation to their prominent position and highly discordant form, which is at odds with traditional shopfront design. The fact that the works would, theoretically, be reversible does little to mitigate the harm that has arisen.
10. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or development within their setting and that any such harm should have a clear and convincing justification. For the reasons given above, the scheme fails to preserve the special interest of the listed building and the significance of the CA. I consider

the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

11. Under such circumstances, paragraph 202 of the Framework advises that such harm should be weighed against the public benefits of the proposal, which includes securing the optimal viable use of designated assets.
12. I recognise that the business occupies a retail shop unit at a time when town centre vacancy rates are relatively high. The appellant also states that the installed vents represent the only means of achieving suitable ventilation to the premises, with natural ventilation being a requirement of the building's current use as a 'nail bar' and as a result of Environmental Health and Building Control requirements. However, I have no substantiated evidence before me that the continued viable use of the appeal property is dependent on the vents and that alternative means of natural ventilation have been sufficiently explored. These matters, to the extent that these could be considered public benefits, attract limited weight and are not sufficient to outweigh the identified harm.
13. Given the above and in the absence of sufficient public benefits, I conclude that the proposal fails, on balance, to preserve the special historic interest of the Grade II listed building and the character and appearance of the Stamford Conservation Area. This fails to satisfy the requirements of the Act, paragraph 199 of the Framework and conflicts with Policies DE1 and EN6 of the South Kesteven Local Plan 2011-2036 (2020) and Policy 8 of the Stamford Neighbourhood Plan 2016-2036 (2022) which require, amongst other matters, that development makes a positive contribution to local character, protects and enhances heritage assets taking into account scale, materials and siting.

Other Matters

14. I recognise that the proposals include other works to the building. Be that as it may, the Council's reason for refusal relates only to the vents, and the harm I have identified in respect of these elements means the proposal is unacceptable for the reasons set out.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

M Woodward

INSPECTOR