



Appeal Decision

Site visit made on 2 October 2023

by J Pearce MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 October 2023

Appeal Ref: APP/T2215/Z/22/3313960

22 High Street, Dartford, Kent DA1 1BY

- 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 Sulieman Mohammed of Shan Fisheries against the decision of Dartford Borough Council.
- The application Ref DA/22/00183/FUL, dated 20 February 2022, was refused by notice dated 2 December 2022.
- The development proposed is a shutter roller was installed on the FOH (front of house) facade.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The above description has been taken from the application form. I note that the Council has used alternative wording in respect of alterations to the shopfront. No details have been provided in respect of the shopfront prior to the works being carried out, but I note from the materials section of the application form that the previous shopfront comprised two panes of glass with white plastic frames and a set of double doors. The works to the shopfront have already been carried out. I have proceeded with the appeal on this basis.

Preliminary Matter

3. A revised National Planning Policy Framework (the Framework) was published on 5 September 2023. The amendments to the Framework do not have any bearing on the matters in dispute in this appeal.

Main Issues

4. The main issues are:
 - whether the scheme preserves or enhances the setting of listed buildings and the character or appearance of the Dartford Town Centre Conservation Area (the CA); and
 - whether the development results in adverse effects on neighbouring residents and passers-by with regard to odour.

Reasons

Heritage assets

5. The appeal site lies within the CA within a row of buildings to one side of High Street. Although there are some modern buildings, the area is typified by

historic buildings of two- and three-storey scale. This includes the Grade II listed buildings at 11 and 15 High Street, which are opposite the site. Special regard is required to the desirability of preserving their setting, which includes the appeal property given their proximity to it. The listed buildings are noted for their scale and proportions, characterised by their narrow width, and whilst they have been altered, they retain historic features above ground floor level including the roof forms and sash windows and these features contribute to their significance within this established commercial street.

6. The area is overtly commercial in character, with shopfronts at ground floor level giving a vibrant feel to the area. The surroundings are characterised by ground floor shopfronts, which are typically glazed. The shopfronts predominantly include stallrisers and mullions, which reduce the expanses of glass and relate well to the traditional character of the buildings. Store entrances are typically recessed within wider units but typically retain glazed frontages. Large fascia signs with differing material finishes are prevalent in the area, whilst shutters are less common.
7. The installed shutters are an oppressive feature when closed and the bright colouring appears unsightly within the locality. Although similar opaque shutters are present in the locality, including at 9-11 Lowfield Road, the prominent position of the site in the centre of the High Street increases the level of harm caused.
8. The scheme has resulted in the shopfront being open with no glazing whatsoever. The lack of glazing has created a void effect at ground floor level, which appears at odds with the building. In addition, the open shopfront jars with the glazed shopfronts prevalent in the vicinity of the site. Furthermore, the scheme fails to take into account traditional detailing of the surrounding shopfronts, including stallrisers and mullions.
9. The lack of glazing and the provision of the oppressive opaque shutters has led to less than substantial harm to the significance of the designated heritage assets. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm, this harm should be weighed against the public benefits of the scheme. The development would assist in continuing a commercial use within the town centre. However, there is no indication that an alternative scheme would not be able to achieve this without the associated harm to the CA and the listed buildings. The scheme would therefore not outweigh the harm identified.
10. I conclude that the scheme fails to preserve or enhance the character or appearance of the CA and harms the significance of the listed buildings at 11 and 15 High Street. It therefore conflicts with policies DP2, DP12, DP13, DP14, DP15 of the Dartford Development Policies Plan (the DDPP), policy CS2 of the Dartford Core Strategy (the CS) and emerging policies D3, M1, M5 and M6 of the Pre-Submission Dartford Local Plan, which collectively require proposals to respond to the locality and preserve the significance of heritage assets.

Odour

11. The ground floor is used as a fishmongers and butchers. Whilst the scheme includes alterations to the shopfront, planning permission is not sought for the use of the premises. The use of the premises, whilst not under consideration, is

typical to a town centre location and the generation of odour is a side effect of this use.

12. The lack of any glazing within the shopfront exacerbates the effect of the odour emanating from the premises. The complaints received by the Council's Environmental Health department and the comments made by local residents indicate that the odour is particularly noticeable within the immediate locality of the site. Although some odour would be expected from a fishmonger and butchers, the open nature of the shopfront contributes to the spread of the odour to the street and nearby properties.
13. The smell of fish can be unpleasant, and the lack of containment of the shopfront harms the living conditions of neighbouring residents as well as members of the public passing by the site. Although a glazed shopfront would not remove the odour, the glazing would reduce the level of odour emanating from the premises.
14. I conclude that the development has resulted in harm to the living conditions of neighbouring properties as a result of odour. The scheme therefore conflicts with DDPP policy DP5, CS policy CS2 and emerging policies D3 and M2, which seek to safeguard the environment and amenity of neighbouring properties.

Conclusion

15. The proposal would accord with the development plan as a whole and there are no other considerations, which would indicate that a decision should be made otherwise. Therefore, for the reasons given above I conclude that the appeal is dismissed.

J Pearce

INSPECTOR