



Appeal Decision

Site visit made on 26 September 2023 by Ms S Indermaur

Decision by L McKay MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 January 2024

Appeal Ref: APP/H1705/Z/23/3319092

5 Winchester Street, Whitchurch, Hampshire RG28 7AH

- 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 Thirukkumaran Sellathurai against the decision of Basingstoke and Deane Borough Council.
 - The application Ref 22/03303/RET, dated 11 December 2022, was refused by notice dated 8 February 2023.
 - The development is described as "Installed new shop front and roller shutter with demolished existing shop front (Retrospective)."
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Decision

1. The appeal is dismissed.

Appeal Procedure

1. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

2. The original planning application was made retrospectively. Concerns have been raised regarding the existing and pre-existing drawings, however I also have images of the previous shopfront and during my site visit I observed the completed works, which appear to accord with the existing drawings. I have therefore considered the appeal on the basis of what has been constructed.
3. The Government published on 19 December 2023 a revised version of the National Planning Policy Framework (Framework). Whilst I have had regard to the revised national policy as a material consideration, planning decisions must still be made in accordance with the development plan unless material considerations indicate otherwise. In this instance, the issues most relevant to the appeal remain unaffected by the revisions to the Framework. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework, and that no party would be disadvantaged by such a course of action.

Main Issue

4. The main issue is whether the proposal preserves or enhances the character or appearance of the Whitchurch Conservation Area (WCA) and the effect of development on the setting of nearby listed buildings.

Reasons for the Recommendation

5. Section 66(1) and Section 72(1) of the Planning (Listed Buildings and Conservations Areas) Act 1990 require that special regard is given to the desirability of preserving a listed building or its setting and that special attention is paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Framework also requires that great weight be given to the conservation of designated heritage assets.
6. The Whitchurch Conservation Area Appraisal and Management Plan Supplementary Planning Document 2019 (CAA) identifies the special interest and significance of the WCA. This includes the physical and historic relationships between the main part of the settlement and its associated hamlets, the urban grain and the distinct hierarchy of spaces. The appeal site sits within the 'Historic Core' character area, which consists of a high concentration of high-quality historic buildings and a mixture of residential uses, retail, cultural and social facilities as well as a high volume of traffic and noise.
7. The appeal site lies just on the boundary of the Town Square, identified in the CAA as an Open Area of Townscape Significance (OATS). This former marketplace is the meeting point of a number of main thoroughfares, reflecting the medieval pattern of streets. It is identified as a key open space in a distinct hierarchy of spaces within the Historic Core, and is defined by a group of important but varied buildings. It is therefore an important feature of the WCA.
8. The CAA identifies that historic joinery, including shopfronts, are often features that define the appearance of properties. In the Historic Core many buildings retain their original well-proportioned shopfronts and these contribute positively to the character and appearance of the WCA. Around the Town Square are a variety of shopfronts, many of which appear original, while others are more modern but retain traditional features. In this close-knit arrangement of buildings around the open space, the relationship of these features and their historic arrangement is a significant factor in the overall character and appearance of this part of the WCA.
9. The appeal site is close to local views of importance, landmarks and historically significant buildings including several listed buildings and various Notable Structures, which the CAA identifies as heritage assets not on statutory or local lists. The Bee Hive is a 15th Century, Grade II listed building which derives considerable significance from its architectural and social historic interest. It is also located in a very prominent position facing into the Town Square, surrounded by other historic buildings, therefore this relationship and setting forms an important part of its significance.
10. The Town Hall is a 17th and late 18th century Grade II* listed building. This prominent building is set back from the street and is a dominant feature at the end of London Street, with a cupola that is visible from extended views. It derives considerable significance from its civic function and architectural interest. It is seen at an angle from parts of the Town Square, where glimpses of the grand frontage are visible in some views together with The Bee Hive. Its setting therefore contributes positively to its significance. The Town Hall and The Bee Hive are identified in the CAA as landmarks in the Historic Core and both make a significant positive contribution to the character and appearance of the WCA.

11. The host building is identified in the CAA as one of a group of a Notable Structures around the Town Square. This group of properties are taller than most of those in the surrounding area, and prominently located on the edge of the Town Square, such that the group and the appeal property itself are highly visible from several directions. Despite some modern changes, many of the other properties around the Town Square have relatively traditional shopfronts, incorporating stallrisers, pilasters and recessed doorways.
12. The evidence before me is that the previous shopfront on the appeal building was a single glazed timber white painted shopfront which featured a recessed central doorway and two windows to either side. These architectural features contributed to the host building's historic significance and made a positive contribution to the character and appearance of the WCA. Due to its age, architecture, siting and relationship with neighbouring properties, the appeal property is identified as a non-designated heritage asset (NDHA).
13. The CAA states that in the WCA, shopfronts should be of a high-quality design which aims to bring vitality and interest to the street. Principle SF01 of the Council's Heritage Supplementary Planning Document (2019) (HSPD) mentions that where the three-dimensional form of an existing shopfront makes a positive contribution to the street scene, e.g., by virtue of bays or recesses, that form as well as stall risers should be retained. In addition, large areas of glass will not normally be acceptable.
14. The appeal development includes retained pilasters to the sides of the signage and a new retractable blind has been installed, which are elements of a traditional shopfront. However, many of the rest of the distinctive architectural details and form that had historic interest have been lost. The replacement shopfront has large, glazed panels which extend almost to ground level with no articulation. They do not relate well in scale or proportion to the previous shopfront, those around it or to the rest of the building.
15. While the historic proportions of the fascia sign have been retained, the dark coloured metal shopfront is a significant and detrimental contrast to the traditional appearance and pale colour of the rest of the front elevation. There are other properties with similar coloured frames nearby, however these are different architecturally to the appeal building, and retain elements of traditional frontages so are not directly comparable. The loss of the stallriser and the articulation of the frontage have significantly and harmfully altered the appearance of the shopfront and its relationship to the historic host building.
16. The roller shutter is internal and, if it had been installed separately from the rest of the shopfront, it may not have required planning permission. However, the evidence before me is that it forms part of the replacement shopfront and, in any case, it is referred to in the appellant's description of development. Therefore, it is a matter before me to consider in this appeal.
17. The shutter housing is contained behind the fascia and the shutter itself will only be visible from outside when it is down, outside of trading hours. During these times the glazing arrangement will still be visible, however the shutter will obscure views into the unit and be visible from the Town Square, resulting in the loss of an active frontage, contrary to advice in the HSPD. It therefore adds to the harmful visual impact of the shopfront. There are other units nearby with glazing obscured by images, however these are not sympathetic to

the historic environment and do not contribute positively to the appearance of the WCA, so do not justify the additional harm from the shutter.

18. Accordingly, the significant alterations to the shopfront and its design, materials and finishes have resulted in an inappropriate modern appearance. The replacement shopfront does not respect the historic form of the host building and the loss of the traditional shopfront features has resulted in considerable harm to its significance, resulting in substantial harm to the NDHA.
19. Furthermore, it does not respect the context of the other neighbouring Notable Structures or the setting, street scene, local environment and distinctiveness and sense of place around the Town Square. It is not of the high design quality required by local and national planning policies. Nor does it demonstrate the great care and thought that the HSPD's state should be given to the design of shopfronts.
20. The replacement shopfront therefore detracts from the historic character of the Town Square. Given the importance of the Town Square to the historic core of Whitchurch, the appeal development harms the character and appearance of the WCA as a whole and the setting of The Beehive and the Town Hall. The harm would be limited, given the small scale of the development, but would nevertheless harm the significance of these heritage assets. In each case this would be less than substantial harm in the terms of the Framework, nevertheless it is a matter of considerable weight and importance.
21. Principle SF01 of the HSPD states that traditional shopfronts in conservation areas should generally be retained and repaired/restored rather than replaced, and features such as architectural detailing which make a positive contribution to the significance heritage assets should be retained. There is no substantive evidence before me that the previous shopfront was in a poor state of repair and detracted from the appearance of the site and local area, as the appellant suggests. Even if it was, it has not been demonstrated that it was beyond repair, or that traditional features could not have been incorporated into a replacement, if one were necessary. Therefore, this does not justify the harm identified.
22. The appeal scheme has a similar design to the nearby Tesco and Co-op shopfronts, which are of modern appearance. They incorporate large areas of glazing obscured by imagery and large fascia signs and are consequently not sympathetic to their host buildings or historic surroundings. I do not know how or when these came to be built or what was there before, in particular whether there was a loss of architectural detailing when these were installed. It has not therefore been demonstrated that those developments resulted in harm to the character and appearance of the WCA compared to what they replaced.
23. They are also examples of the type of development which the HSPD seeks to avoid and are not therefore desirable to replicate. In any event, each case must be considered on its own merits and the presence of other modern shopfronts does not mitigate the harm identified from the appeal scheme.
24. The Framework sets out that less than substantial harm to designated heritage assets must be weighed against any public benefits, and that a balanced judgement will be required in relation to development which affects NDHAs,

having regard to the scale of any harm or loss and the significance of the heritage asset.

25. The appellant states that the replacement shopfront has improved the viability of the unit by providing additional shop floor area. No viability information has been submitted however, nor do I have floor plans or other evidence to substantiate these points. The provision of shutters has provided security for the stock and premises, however this is a private benefit for the business operator. There is no substantive evidence before me that the business would not have been able to operate without the shutters or that more sympathetic security could not have been achieved with the previous shopfront.
26. Consequently, while the replacement shopfront represents investment into the unit, it has not been demonstrated that any viability and economic benefits to the local area from the replacement shopfront could not have been achieved through a less harmful scheme. Therefore, I give these matters very little weight and they do not outweigh the harm identified to heritage assets.
27. Accordingly, the development fails to preserve or enhance the character or appearance of the WCA and harms its significance, and harms the setting, and thereby the significance, of nearby listed buildings. It is therefore contrary to Policies EM10 and EM11 of the Basingstoke and Deane Local Plan 2011-2029 (Local Plan) and Policy GD1 of the Whitchurch Neighbourhood Development Plan 2014-2029 (Neighbourhood Plan). Together these Policies seek development of high quality that makes a positive contribution to the area, reinforces the character of the town, retains or creates a positive building frontage and conserves or enhances the quality, distinctiveness and character of heritage assets.
28. It also conflicts with guidance in the HSPD and in the Design and Sustainability SPD 2018, which seeks high quality, sustainable development. Furthermore, there is conflict with the Framework, which seeks to resist development that is of poor design and is not sympathetic to the local character and to conserve heritage assets.

Other Matters

29. I appreciate that the appellant did not realise that planning permission was necessary for the new shop front. However, this matter is not fundamental to the planning merits of the case and does not alter the conclusion I have reached.

Conclusion and Recommendation

30. For the reasons given above and having had regard to all other matters raised, I find that the proposal would conflict with the development plan and there are no material considerations that justify granting planning permission. Therefore, I recommend that the appeal should be dismissed.

Ms S Maur

APPEAL PLANNING OFFICER

Inspector's Decision

31. I have considered all the submitted evidence and my representative's recommendation and agree with the reasoning set out above. On that basis the appeal is dismissed.

L McKay

INSPECTOR