



Appeal Decision

Site visit made on 1 November 2023

by David English BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 February 2024

Appeal Ref: APP/G2435/Z/23/3324071

Star Barber, 2B Hotel Street, Coalville, Leicestershire LE67 3EP

- 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 Sinna Zadeh of Star Barbers against the decision of North West Leicestershire District Council.
 - The application Ref. 23/00175/FUL, dated 9 February 2023, was refused by notice dated 6 April 2023.
 - The development proposed is replacement of shop frontage from damaged blue wooden frontage to blue PPC aluminium.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Government published a revised version of the National Planning Policy Framework (the Framework) in December 2023. Whilst this made certain revisions to aspects of national planning policy, the provisions in respect of the main issues in this case are largely unchanged. I am therefore satisfied that there is no requirement to seek further submissions on the revised Framework from the parties, and that no party would be disadvantaged by such a course of action.
3. The planning application states that work to install the replacement shop frontage was completed in August 2019. I observed that the shopfront as installed appeared different to that shown on the plans in that a shallow stall riser has been installed below the two main shop windows. As the works are complete, I have determined the appeal based on the works that I observed had been carried out rather than the detail shown on the plans, and I refer to the proposal as the 'development' in my decision.
4. The description of development shown on the Council's decision notice differs from that in the planning application. I have not seen details of any agreement to this change. I have therefore used the description of the development given in the planning application form in the banner heading above.

Main Issues

5. The main issues are the effect of the development on:
 - the character and appearance of the host building and the surrounding area, including the Coalville Conservation Area; and
 - the setting of the Grade II listed Railway Hotel.

Reasons

Character and appearance, including the Conservation Area

6. The appeal site lies within the Coalville Conservation Area (the Conservation Area). I am therefore mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which sets out the need to have special regard to the desirability of preserving or enhancing the character or appearance of conservation areas.
7. The Framework advises that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. Paragraph 205 of the Framework requires that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting.
8. The Conservation Area covers relatively short sections of properties along the main shopping streets leading north, south and eastwards out of the central crossroads in the town centre. High Street and Hotel Street, which run eastwards from the central crossroads, are the earliest commercial components of the town centre and comprise mid-19th century terraced houses converted to shops along the south side of the street, the streets being separated by a railway level crossing. The significance of the Conservation Area derives in part from its historic association with the early growth of the town as a commercial centre, largely as a result of the development of the railway.
9. Hotel Street comprises two relatively short terraces separated by a gap adjacent to 14 Hotel Street which leads to a rear parking and servicing area. The terraced block within which the appeal site sits largely retains its original appearance at first floor, and the majority of shopfronts, whilst exhibiting a range of detailed designs, are of a traditional appearance, mainly having timber framed shop windows above small, mostly plain stallrisers. Notwithstanding the variety of detailed finishes to the shopfronts, overall, there is a consistency in their design which is a significant characteristic which informs the significance of the Conservation Area, and which contributes positively to its character and appearance.
10. The design of the shopfront creates an inappropriately contemporary frontage that does not reflect the character, appearance or historic significance of the building. It therefore fails to respond to local character and context or be of the high design quality required by local and national planning policies. The development has a modern appearance, and the proportions and dimensions of the window frames and glazed areas, and the positioning of the door, differ noticeably in terms of symmetry and composition in comparison to the majority of shopfronts in the street and elsewhere in the wider Conservation Area.
11. Furthermore, while the roller shutters were closed within their housing at the time of my site visit, both the housing and the roller shutters, when in place, introduce alien features to the street scene which are not characteristic of this or other properties in nearby shopping streets in the Conservation Area. Whilst I note that some nearby shopfronts are in a poor condition, overall, the development creates a jarring and incompatible appearance when viewed with

the nearby traditional shopfronts. This results in the development looking incongruous and out of place and thereby harmful to the character and appearance and the significance of the Conservation Area.

12. In each of these respects, the development fails to follow guidance provided in the Council's Shopfronts and Advertisements Supplementary Planning Document (June 2019) (the Shopfronts SPD) which expects new shopfronts to be designed to respect the character of the building of which they form part, and the wider street scene. It also fails to meet the expectations of the Council's Good Design for North West Leicestershire Supplementary Planning Document (the Design SPD) in respect of reinforcing distinctive local architectural characteristics.
13. Given the scale of the development, in the terms used in the Framework I judge the harm created as being less than substantial. Paragraph 208 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.
14. I acknowledge that the use of the premises as a barber shop provides a service which benefits the local community, and that the added security arising from the installation of roller shutters would give the operator greater peace of mind in protecting the premises. However, I have seen little evidence about the scale or frequency of criminal damage or break-ins at the appeal site. Furthermore, the design of the replacement shopfront, excluding the roller shutters, would offer little more protection from such events than a more appropriately designed replacement. I therefore afford these benefits very limited weight, and they would not outweigh the less than substantial harm to the significance of the Conservation Area, which is a matter to which I attach great weight, having regard to the Framework.
15. Accordingly, I find that the development is harmful to the character and appearance of the host building and the surrounding area, including the Coalville Conservation Area. The development would therefore not accord with Policies D1, He1 and He2 of the North West Leicestershire Local Plan (March 2021) (the Local Plan) which together require all development to be well designed; ensure shop front alterations retain features of architectural and historic interest and respect the scale, proportions, character and materials of the whole building, adjoining buildings and the wider street scene, and incorporate materials appropriate to the age and character of the building; and conserve or enhance the significance of heritage assets and their setting, retaining features which form part of the significance of the heritage asset and its setting. Furthermore, the development would not accord with the Framework in respect of conserving and enhancing the historic environment, or the Council's design advice in the Shopfronts SPD and the Design SPD.

Setting of the Grade II listed building

16. Section 66(1) of the Act requires the decision maker, in considering whether to grant planning permission for development which affects a listed building or its setting, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The glossary to the Framework confirms that the significance of a designated heritage asset derives not only from its physical presence, but also from its

setting. Further, the Planning Practice Guidance explains that the historical relationship between places means that buildings in close proximity but not visible from each other may have a historic or aesthetic connection that amplifies the significance of each.

17. The Railway Hotel (the listed building) is a Grade II listed building located in the Conservation Area. It is situated on the opposite side of Hotel Street to the appeal site, being directly adjacent to the level crossing, but both properties and the wider extent of Hotel Street are visible collectively from locations in the public realm. The former function of the Railway Hotel, which originally served as the station for Stephenson's Leicester-Swannington railway, its architectural detailing, and its historic association with the original development of properties on the south side of Hotel Street, including the appeal property, collectively contribute positively to the significance of the listed building and the Conservation Area.
18. The terrace within which the appeal property sits and the Railway Hotel can be read together as forming an important element in the historic context for the growth of the railways locally. In these respects, the appeal property is within the setting of the listed building.
19. Given the historic association between the Railway Hotel and the appeal property, the visually harmful alterations caused by the development have diminished the setting of the listed building and the context within which it is experienced. The development has therefore undermined the historic relationship and significance between the Railway Hotel and the terraced properties on the south side of Hotel Street, including the appeal property.
20. The design of the shopfront creates an inappropriately contemporary frontage that does not reflect the character, appearance or historic significance of the building. It therefore fails to respond to local character and context or be of the high design quality required by local and national planning policies. As a result, the development is unacceptably harmful to the setting of the listed building, and thereby the significance of that designated heritage asset. I judge that harm to be less than substantial and, in accordance with paragraph 208 of the Framework, that harm should be weighed against any public benefits of the proposal, including securing its optimum viable use.
21. The benefits would be the same as those I have noted above in my assessment of the effects of the development on the character and appearance of the area, including the Conservation Area. I afford those benefits very limited weight, and they would not outweigh the less than substantial harm to the significance of the setting of the listed building, which is a matter to which I attach great weight, having regard to the Framework and the requirements of the Act.
22. Accordingly, I find that the development is harmful to the setting of the Grade II listed Railway Hotel. The development would therefore not accord with Policy He1 of the Local Plan which requires development to conserve or enhance the significance of heritage assets and their setting, retaining features which form part of the significance of the heritage asset and its setting. Furthermore, the development would not accord with the Framework in respect of conserving and enhancing the historic environment.

Other Matters

23. The appellant refers to several examples of aluminium framed shopfronts elsewhere in the Conservation Area. I saw each of the examples during my site visit, including those close to the listed Memorial Clock Tower. Whilst I have not seen substantive evidence concerning the planning status of the examples provided, I saw that these were few in number in comparison to the many shopfronts in the Conservation Area that have retained a traditional appearance. I also noted that the Coalville Library building is significantly different in age and design to the majority of the buildings within the terraces of shops, and the location and context of the large, detached, relatively modern flat-roofed Library building bears no comparison with the development. Whilst I acknowledge that other shopfronts in the Conservation Area have been altered, including through the use of aluminium framed windows and doors, the examples provided by the appellant do not in themselves justify the harmful development at the appeal property.
24. I accept that the appeal property appears to be well-maintained and is tidy and clean. However, these are neutral factors in my assessment of the planning merits of the development and do not weigh in its favour.

Conclusion

25. The development is unduly harmful to the character and appearance of the host building, the Conservation Area, and the setting of the listed building. The public benefits of the development do not outweigh the less than substantial harm to the designated heritage assets. There are no other material considerations to justify granting planning permission for development that conflicts with the development plan. On that basis the appeal is dismissed.

David English

INSPECTOR