



Appeal Decisions

Site visit made on 23 April 2024

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22 May 2024

Appeal A Ref: APP/H4315/W/23/3335903

H M Hampson Ltd, 29-31 Shaw Street, St. Helens WA10 1DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Stuart Ellis of Millenium Pharmacy against the decision of St Helens Metropolitan Borough Council.
 - The application Ref is P/2023/0432/FUL.
 - The development proposed is change of use from office to doctors surgery at first floor along with installation of security roller shutters and external air conditioning condenser units to existing building.
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Appeal B Ref: APP/H4315/Z/23/3335081

H M Hampson Ltd, 29-31 Shaw Street, St. Helens WA10 1DG

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Stuart Ellis of Millenium Pharmacy against the decision of St Helens Metropolitan Borough Council.
 - The application Ref is P/2023/0349/ADC.
 - The advertisement proposed is described as building mounted shop signage.
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Decision

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

Preliminary Matters

3. As the appeal building is in a conservation area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023 and it is a material consideration in the determination of the appeals. The parties have been provided with the opportunity to comment on any implications of the revisions to their cases through the appeal process and I have taken it into account.
5. In February 2024, after the appeals were made, planning permission (Ref: P/2023/0621/FUL) was granted for change of use of first floor from office to doctors surgery, along with installation of external air conditioning condenser units and CCTV cameras. This is a substantially similar scheme to the planning proposal, except in relation to the security roller shutters.

6. At the time of my visit, I observed the advertisement and the roller shutters. However, while the planning application form indicates that the development has been completed, the plans do not appear to accurately reflect the roller shutter development with particular regard to the ground floor openings to the Bickerstaffe Street elevation. I have therefore determined the appeals on the basis that permission is sought to retain the development and the advertisement that have been implemented.

Main Issues

7. On the basis that the acceptability of all other elements of the planning proposal has been established by the subsequently permitted scheme, the main issue in Appeal A is the effect of the external roller shutter development on the character and appearance of the local area, including the extent to which it preserves or enhances the character or appearance of the George Street Conservation Area (the CA).
8. The main issue in Appeal B is the effect of the advertisement on amenity.

Appeal A Reasons

9. The CA comprises a densely developed and compact urban townscape. It was developed following industrialisation and the arrival of the railways in the 18th and 19th centuries. The influence of transportation on the town's development remains legible and the building hierarchy is evidenced by architectural details and ornamentation. The significance of the CA, insofar as it relates to the appeal, is primarily associated with the distinctive architectural vernacular and high quality Victorian facades.
10. No 29-31 is a 2-storey end of terrace property located at the corner of Shaw Street and Bickerstaffe Street overlooking St Helens Central railway station. It is finished in brick, with decorative details, cornice, and a pitched slate roof behind a parapet. Its principal elevation has large and evenly-spaced windows to first and ground floors, with arched brick headers. There is evidence of alteration, including that a doorway in the principal ground floor elevation has been infilled and another appears to have been created from one of the tall window openings. Nevertheless, by virtue of its proportions, including its windows, and its detailing, No 29-31 makes a positive contribution to the historic CA townscape.
11. Roller shutters have been fitted externally to the ground floor openings on the Shaw Street and Bickerstaffe Street elevations. The large shutters, shutter boxes and guides are wider than the openings and they protrude forward from the elevations. The bulky shutter boxes cut across and visually disrupt the tall, arched openings. The development is discordant and visually obtrusive, poorly-related to the ground floor openings and particularly unsympathetic to the prominent principle elevation. The adverse visual impact is exacerbated by the profusion of bird deterrent spikes attached to the shutter boxes.
12. Notwithstanding that the shutters cover only a proportion of the ground floor elevations, they are conspicuous and incongruous features that dominate and detract from the character and appearance of the appeal property. Moreover, their jarring appearance detracts from the streetscene including views of the adjoining Nos 19-27, which is a key unlisted building of merit in the CA in part due to its prominence, elaborate architectural detailing and relatively larger

size. The development is not visually attractive and it erodes local distinctiveness and sense of place.

13. Views in and out of the CA are constrained by surrounding development. Nevertheless, the appeal building is prominent in views from the train station and along Shaw Street, which is one of the main approaches towards the CA and the busy pedestrian town centre. Consequently, on the basis that the development is prominent in the townscape, it harms the character and appearance of the CA as a whole.
14. There are external shutters to Nos 15-17 at the far end of the terrace, but those buildings are of little architectural merit and neither they nor their shutters make a positive visual contribution. The addition of external shutters to No 29-31 does not raise the standard of design nor the quality of the area. Indeed, the adverse visual impact of external roller shutters is highlighted by both the Conservation Area Appraisal (2010) (the CAA) and the Supplementary Planning Document Shopfronts Adopted June 2010 (the SPD). The presence of external roller shutters elsewhere, including nearby buildings, does not provide a justification for the proliferation of features that result in harm, individually and cumulatively, to the character and appearance of the area.
15. The ground floor windows were previously fitted with internal roller shutters and only the door was fitted with an external shutter. The internal shutters would have been visible behind the glazing but they would not have been prominent and the internal fittings would not have been conspicuous. Neither the presence, nor the apparently poor state of repair, of the previous internal shutters provides a justification for their replacement with external shutters. The development may result in consistent treatment of the ground floor openings. However, there is little evidence that similar benefits, in terms of appearance and security, could not be achieved with less harm to the CA such as by the refurbishment of the internal shutters and the replacement of the single external shutter with an internal door shutter.
16. I note the suggestion that the visual impact would be mitigated because the shutters would not be down from 0900 to 1800 Monday to Saturday when the pharmacy was open. However, at the time of my visit, mid morning during the week, one of the shutters to the principal elevation was partly lowered. Irrespective, even if it could be guaranteed that the shutters were fully raised during daylight hours, the bulky external shutter boxes, guides and bird deterrent spikes would still be visually obtrusive. The harm could not be mitigated by the imposition of a planning condition.
17. Given the above, I find that the development harms the character and appearance of the area and it fails to preserve the significance of the CA. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
18. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the development, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

19. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant considers that the development is an improvement on the previous shutters and it provides security to the premises. However, the development results in greater harm to the character and appearance of the area than the previous shutters. Moreover, while there is a need to secure the pharmacy premises, the premises was already fitted with window and door shutters. There is little evidence that the development results in significant additional public benefits in this regard. These benefits are not sufficient to outweigh the harm that I have identified.
20. Given the above, I conclude that, on balance, the proposal would neither conserve nor enhance the character or appearance of the George Street Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with policies LPD01 and LPC11 of the St Helens Borough Local Plan up to 2037 Adopted July 2022 (the LP) and the aims of the SPD. These seek, among other things, to ensure that development contributes to local distinctiveness and protects heritage assets in accordance with the Framework. As a result, the proposal would not be in accordance with the development plan.

Appeal B Reasons

21. The Regulations require that decisions are made only in the interests of amenity and public safety. The Planning Practice Guidance advises that, in assessing amenity, consideration should be given to whether the advertisement would be in scale and keeping with the general characteristics of the locality including features of historic and architectural interest.
22. As noted above, the CA covers a townscape of historic and architectural interest characterised by distinctive and high quality Victorian buildings. The CAA identifies that oversized and inappropriate signage and illumination can undermine the significance of the heritage asset.
23. The advertisement comprises a large fascia sign on the principal elevation to Shaw Street and a projecting hanging sign on the Bickerstaffe Street elevation.
24. By virtue of the narrow width of Bickerstaffe street and the verdant canopies of the street trees, the somewhat unobtrusively sited hanging sign is relatively well screened and visible only in limited views looking along the side elevation. From close-range, it is seen in juxtaposition with the unassuming rear elevation of the appeal building, air conditioning units, security gates, tall close-boarded fencing and hardstanding car parking. In this context, the hanging sign does not detract from the streetscene nor is it prominent in the CA.
25. In contrast, the fascia sign is substantially large and it is prominently located on the principal elevation. The sign is around 9m long and 0.7m tall, with a matt grey background, illuminated white and green lettering and a green and white pharmacy emblem. By virtue of its design, large size and its height above ground, the fascia sign is widely visible from locations in and around the train station, looking across the open station car parking and along Shaw Street.
26. While the lettering may be only about 40cm high, the contemporary box fascia sign and illuminated lettering is discordant and out of keeping with the

traditional façades of the appeal building and townscape. The advertisement is visually obtrusive and it does not make a positive contribution to the historic character and appearance of the area. The imposing buildings to either side do not mitigate the adverse visual impact. The overly large and overtly modern signage is poorly related to traditional signage in the area, including the neighbouring public house signage and smaller-scale traditional shopfront signage. Other poor quality advertisements elsewhere in the area do not provide a justification for an advertisement that would diminish the strong sense of place and local distinctiveness of the area.

27. Previously, there were surface-applied stainless steel letters between the ground floor and the first floor windows. The lettering was not illuminated and it was relatively unobtrusive and sympathetic to the historic elevation. It was not directly comparable to the appeal advertisement and it does not provide a justification for it. While I note that the Council considers that a different design of fascia advertisement may be acceptable, there are no alternative proposals before me to demonstrate the acceptability of a different scheme.
28. Therefore, I conclude that the advertisement harms the character and appearance of the area and therefore it harms amenity. In this regard, and although not determinative in the appeal, it conflicts with the aims of LP Policies including LPD01, LPD08 and LPC11 in relation to maintaining local distinctiveness and being sympathetic to its surroundings including the historic environment. It also conflicts with the design aims of the Framework.

Conclusion

29. In respect of Appeal A, I conclude that the roller shutters harm the character and appearance of the CA. The harm to the designated heritage asset is a matter that attracts great weight and there are no material considerations to outweigh that harm and the consequent conflict with the development plan.
30. In respect of Appeal B, I conclude that the advertisement, with particular regard to the fascia sign, harms to amenity.
31. Therefore, I conclude that both Appeal A and Appeal B should be dismissed.

Sarah Manchester

INSPECTOR