



Appeal Decision

Site visit made on 17 June 2024

by J D Westbrook BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th July 2024

Appeal Ref: APP/X2410/W/24/3339072

3-4 Baxter Gate, Loughborough, Leicestershire, LE11 1TG

- 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 Ali against the decision of Charnwood Borough Council.
 - The application Ref is P/23/1446/2.
 - The development proposed is alterations to shopfront, replacement first floor windows, and change of use of first floor to provide additional seating.
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Decision

1. The appeal is allowed and planning permission is granted for alterations to shopfront, replacement first floor windows, and change of use of first floor to provide additional seating at 3-4 Baxter Gate, Loughborough, Leicestershire, LE11 1TG, in accordance with the terms of the application, Ref P/23/1446/2, and the plans submitted with it, subject to the following conditions:
 - 1) The premises shall only be open for customers between the following hours: 1100 - 2300.

Procedural Matters

2. I have adapted the description of the proposed development from the application form and the Council's decision notice, since it provides a fuller and more accurate version of the full details of the proposal.
3. The first-floor windows are already in place such that this proposal has the nature of a retrospective application

Main Issue

4. The main issue in this case is the effect of the first-floor windows on the character and appearance of the Loughborough Church Gate Conservation Area (CA).

Reasons

5. Nos 3 and 4 Baxter Gate represent two out of the three frontages that together comprise one building. They are one unit which, at the time of my site visit, were unoccupied. The neighbouring No 5 is a single unit with a different designs to both the ground-floor shop unit and the first-floor window unit above. The appeal property has a ground floor frontage with 3 large full height windows, separated by slim aluminium mullions, and glazed double doors to the side. The two first-floor windows each have three vertical rectangular

glazed units with an arched element above, in which are three further small curved glazed units. These windows have aluminium surrounds to match those in the shop fronts below.

6. The appeal property is a locally listed building and it lies within the CA. The CA Character Appraisal identifies Baxter Gate as a medieval street and, whilst later Georgian and Victorian buildings have replaced the early medieval buildings, it is still an important cultural and commercial corridor. The appeal property is not mentioned as a major unlisted building, and there is a wide variety of building styles, design and materials in the vicinity.
7. Policy CS2 of the Charnwood Local Plan 2011-2028 Core Strategy (LPCS) indicates that the Council requires new developments to respect and enhance the character of the area, having regard to scale, height, and materials. Policy CS14 indicates that the Council will conserve and enhance its historic assets for their own value and the community, environmental and economic contribution they make. The Council will do this by requiring development proposals to protect heritage assets and their setting. Saved Policy EV/1 of the Council's Local Plan 2004 (LP) indicates that new development should respect and enhance the local environment, and is of a design compatible with the locality and neighbouring buildings. Policy DS5 of the Council's pre-submission Draft Local Plan 2021-37 (DLP) continues the thrust of these other policies with regard to requiring high quality design.
8. The Council contends that the windows fail to preserve the significance of the locally listed building, in that their architectural form and style fails to relate to the overall form of the building. They would cause less than substantial harm to the CA, but there would not be public benefits sufficient to outweigh harm.
9. Nos 3-5 have a symmetrical design with an ornate gable over the end properties joined at eaves level by a balustrade feature. There are three large windows at first-floor level and glazed shop fronts at ground level. Nos 3 and 4 form one commercial unit housing a restaurant, although at the time of my visit the whole unit appeared unoccupied. The use of the first floor as a restaurant, and the replacement of original first-floor windows, are both unauthorised developments and are the subject of Council enforcement action.
10. No 5 has a glazed shop front, partially obscured by a modern bus stop, and the window unit above has a number of separate window panes of varying sizes and shapes with UPVC frames. There are street trees along the pavement on this side of the road, and they partially screen the façade of Nos 3 -5.
11. The Council acknowledges that the proposal seeks to alter an existing commercial premises and enterprise within the town centre of Loughborough, which would contribute towards its viability and vitality, and is therefore acceptable in principle. In addition, the Council considers that the design of the shopfront, whilst unsympathetic, is of no greater harm or impact than the previously removed shopfront and therefore preserves the street scene and conservation area. However, the design of the first floor windows is not considered by the Council to reflect or maintain the character and appearance of the locally listed building, and would result harm to the character of the CA.
12. From the evidence before me, it would appear that the original windows comprised 6 separate window panes in a formation similar to those of the current replacements. However, the originals had wooden mullions and

transoms with some decoration. The current windows have slim aluminium transoms and mullions. While these differ from the original design, they match the basic design and materials used in the ground-floor of Nos 3 and 4.

13. The complete unit formed by Nos 3-5 currently comprise one single unit (No 5) with a somewhat nondescript ground floor commercial unit and a first-floor window of a design that does not relate to the ground floor and which appears to bear little relationship to the original windows in the property. Nos 3 and 4 have a simple and clean, relatively unified appearance, using a first-floor window design that differs from the original chiefly in the use of modern, slim aluminium transoms and mullions, but within a similar overall format.
14. It would appear that the Council accepts that the current ground-floor glazed frontage, whilst unsympathetic, is of no greater harm or impact than the previously removed shopfront, and that it preserves the street scene. I acknowledge that the current first-floor windows, which apparently replaced windows that were in poor condition, are not replicas of the originals. However, the replacement of the current windows with ones that replicate the original design and materials, would result in the overall building of Nos 3 -5 having a complex arrangement of significantly different shop fronts on the ground floor, with different window designs on the first floor, and where neither unit would have matching or sympathetic designs and materials on ground and first floors.
15. In my opinion, given the changes to the locally listed building that have already taken place, the simple first-floor window designs at the appeal property, which create a unified visual appearance to the unit and which are not significantly different from the basic design of the originals, are not harmful to the building, the street scene, or the overall character and appearance of the immediate surrounding area. They could, therefore, be said to preserve or even enhance the visual appearance of the area, and thus the wider CA.
16. In conclusion, I find that the first-floor windows could be said to preserve the character and appearance of the CA. Insofar as their design and materials act to unify part of the disparate façade of Nos 3-5 Baxter Gate, they might be said to enhance the appearance of the property's immediate surroundings and would, in any case, be compatible with the varied visual appearance of the local environment. On this basis, the windows do not conflict with Policies CS2 or CS14 of the LPCS, with saved Policy EV/1 of the LP, or with Policy DS5 of the DLP.

Conditions

17. Since the windows are in place there is no need for specific conditions relating to time limit or adherence to plans. However, since there would appear to be no restrictions on the operations of the first-floor restaurant, I have included a condition suggested by the Council to restrict the hours of operation, in the interest of protecting the amenities of local residents.

J D Westbrook

INSPECTOR