



Appeal Decision

Site visit made on 16 July 2024

by Nick Bowden BA(Hons) Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd September 2024

Appeal B Ref: APP/X0415/W/23/3334688

90 Broad Street, Chesham, Buckinghamshire HP5 3ED

- 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 A Jain against the decision of Buckinghamshire Council.
 - The application Ref is PL/23/1497/FA.
 - The development proposed is a single storey rear extension and shopfront changes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There are three appeals relating to this site. Due to the differing issues raised, appeals A¹ and C² are the subject of separate decision letters.
3. The National Planning Policy Framework (the Framework) was revised in December 2023. I am also aware of the revised consultation draft from July 2024. As the changes do not materially affect the main issues in this case, the parties have not been invited to make further comments. References to paragraph numbers in this decision relate to the December 2023 version of the Framework.

Main Issue

4. The main issue is the effect of the changes to the shopfront on the appearance of the building and consequent potential impact on its viability as a commercial unit.

Reasons

5. The site is located along Broad Street, an arterial route leading into Chesham town centre. The road is heavily characterised by late 19th to early 20th century terraced homes, of which some have been converted to shops. The appeal site is an example of this and forms an end-terrace unit with the ground floor being a shop unit and upper floor as a flat.
6. The site is not within a designated shopping centre and therefore falls under the ambit of saved policy S13 of the Chiltern District Local Plan 1997 (CLP) where existing Class A1 uses should be retained and changes of use or redevelopment for any other purpose will not be permitted, apart from changes of use to residential use, where it can be shown that a retail shop, particularly

¹ APP/X0415/W/23/3334687

² APP/X0415/W/23/3334689

one selling convenience goods, is no longer commercially viable. Policy S11 notes that applications for new shopfronts will be assessed having regard to the scale, proportions, design details and materials of the shop front in relation to the building into which it is proposed to be installed.

7. This proposal does not seek to change the use of the premises. Nevertheless, the alterations proposed to its frontage would result in the loss of the modern display window and fascia board. The frontage would be replaced with a front door and bay window in a manner similar to homes along Broad Street. Given the proposed appearance of the site, it is reasonable to assume that prospective customers would regard the building as one of the dwellings in the street and not as a shop. This would be likely to affect the viability of the premises as a shop.
8. The appellant argues that other uses within Class E could occupy the unit without the need for a large shopfront. In such circumstances the alterations would be appropriate. However, there is no certainty that a different use would occupy the premises. As such this argument attracts limited weight in favour of the appeal.
9. The appellant further suggests that a condition could be imposed to restrict the commencement of all of the works applied for until change of use has been granted for the residential use of the ground floor unit. However, such a condition would not meet the test of reasonableness as there is no certainty that such permission will be granted before the expiry of any planning permission for the appeal scheme. I have dismissed Appeal A which relates to Prior Approval for the use of the ground floor as a studio dwelling which also undermines the reasonableness of such a condition.
10. The changes to the shopfront would have a harmful effect on the appearance of the building and its viability as a commercial unit. Therefore, the development would be contrary to policies GC1 and S11 of the CLP and policy CS20 of the Core Strategy for Chiltern District 2011 which require new shopfronts to be of a high standard and that new development to respects the features which contribute to local distinctiveness. Furthermore, the development would be contrary to the aim of policy S13 of the CLP which is to retain existing shops. The development would also be contrary to the Framework and the National Design Guide both of which seek to achieve well-designed places.

Conclusion

11. For these reasons, the proposal therefore conflicts with the development plan and there are no other matters or material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal is dismissed.

Nick Bowden

INSPECTOR