



Appeal Decision

Site visit made on 16 October 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/F4410/W/24/3343248

11 Market Place, Doncaster DN1 1LQ

- 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 Trust Inns against the decision of City of Doncaster Council.
 - The application Ref is 23/01748/FUL.
 - The development proposed is retrospective planning application for retention of the replacement shopfront screen at ground floor level of the existing retail unit.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposal is retrospective in that the previously existing shopfront has already been removed and the development forming the subject of this application has been carried out. Nonetheless, for the avoidance of any doubt, I have based my decision on the proposed plans. In that regard, whilst shown on the proposed plans, both parties are in agreement that the existing roller shutter does not form part of the appeal scheme. I have determined the appeal on this basis.
3. Both parties are in dispute over whether window decals that are fixed to the shopfront windows benefit from deemed advertisement consent or not. However, as I am dealing with an appeal in respect of a refused planning permission, it is not my role to conduct an exercise as to whether or not an advertisement, which is dealt with through separate legislation, is lawful. Furthermore, the window decals are not shown on the proposed plans.
4. As the appeal site is located adjacent to listed buildings and within a conservation area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

5. The main issues are:
 - the effect of the development on heritage assets, including the extent to which it would preserve or enhance the character or appearance of the Doncaster Market Place Conservation Area (the CA) and the effect on the setting of nearby listed buildings; and
 - the effect of the development on the vitality of the town centre, with particular regard to the Primary Shopping Area.

Reasons

Heritage Assets

Significance

6. The CA extends over the historic centre of Doncaster, with the Grade II* listed Market Hall, Corn Exchange And Fish Market¹ located centrally within the triangular market place at its core, and the commercial buildings radiating outwards along the line of the former medieval burgage plots.
7. Many of the buildings in the town centre were built around the late eighteenth and early nineteenth century, mostly three-storey houses with brick or stucco facades and vertical sliding sash windows to the upper floors. The ground floor units comprise of a mix of modern shopfronts and older timber shopfronts that are reflective of the eighteenth and nineteenth century development that characterises the area. Pertinent to the appeal, the significance of the CA derives, in part, from the dominance of the centrally positioned Market Hall, Corn Exchange and Fish Market and the prevalence of eighteenth and nineteenth century development, reflecting the line of the former medieval burgage plots, some of which incorporate traditional shopfronts.
8. The appeal property comprises of a three-storey late eighteenth or early nineteenth century building with a retail unit to the ground floor. Prior to the carrying out of the appeal development, this had a painted timber framed shopfront with a recessed entrance. The 'existing plans' provided with the application show this entrance as central. Whilst the Council's Conservation Officer refers to the original entrance as being slightly left of centre, I am not provided with any clear photographs showing this prior existing situation. Nonetheless, the pre-existing turned-corner mullions and spandrels to the top corners of the glazing that are also referenced, are evident from the plans provided, which alongside the timber pilasters, stallrisers, and recessed entrance, contribute to a characterful shopfront that is authentic and characteristic of the appeal building and the eighteenth and nineteenth century development that characterises the CA.
9. My above assessment is supported by the Doncaster Market Place Conservation Area Appraisal and Management Proposals which identifies the appeal property as a key unlisted building within a row of similar late eighteenth, early nineteenth century buildings. I am therefore satisfied, on the basis of the evidence before me, that the appeal property, with its former traditional timber shopfront, reinforced the character and appearance of the CA.
10. The Grade II* listed Market Hall, Corn Exchange And Fish Market lies immediately opposite the appeal site. Constructed in 1847-9 by J Butterfield, with alterations in 1870-3 and 1930, the buildings appear very much as a single composition in the classical style. These are impressive landmark buildings that occupy a significant portion of the Market Place and dominate the surrounding eighteenth and nineteenth century development. The special interest and significance of the listed buildings derives from, in part, their architectural and historic interest as high quality examples of Victorian civic buildings that have evolved over time. Important contributors in this regard

¹ List Entry Number: 1192688.

are their elegant neo-Classical architectural detailing, spacious character, and prominent central location.

11. Lying opposite the Grade II* listed building, the appeal building forms part of its setting. Owing to its smaller scale and proportions as well as its modestly detailed façade, formerly incorporating a traditional shopfront, it provides an architectural contrast between the elegant civic building opposite. As a late eighteenth, early nineteenth century building, the appeal property is reflective of the commercial development to the burgage plots that would likely have been in place at around the time of the construction of the Market Hall. On this basis, the appeal building makes a positive contribution to the setting of the Grade II* listed building.
12. The appeal property also lies close to the Grade II listed building of 54-55 Market Place². This is an attractive brick mid-eighteenth century building that is located in a prominent position close to the junction with Baxter Gate. Its special interest and significance derive, in part, from its scale, classical proportions and elegant façade as well as its setting within the Market Place alongside other eighteenth and nineteenth century development.
13. Owing to its height, proximity and prominent position within the streetscene, 54-55 Market Place is visible in views from the appeal site. The appeal building as such, forms part of the historic setting to the Grade II listed building and on this basis contributes to its special interest and significance.
14. Further to the south east of the appeal site lies 50-51 Market Place³. This is a stucco-fronted three-storey building constructed in the early eighteenth century with early nineteenth century alterations. Its significance derives, in part, from its age and its architectural composition. This is some distance away from the appeal site and is not visible from it, being obscured by the Market Hall. Nonetheless, the appeal site lies within its wider setting and, forming part of the historic development around the edge of the Market Place, it makes an, albeit limited, contribution to its significance in that regard.

Proposals and Effects

15. The traditional mouldings of the pilasters have been replaced with a predominantly flat fronted and comparatively featureless external grade ply. The moulded timber stallrisers have been replaced by glazing to around floor level, whilst the recessed entry and spandrels have been entirely removed and replaced with large panes of glass and a central doorway with a full width transom frame above. The resulting minimalistic shopfront is devoid of detail and lacks the depth, visual interest and authenticity of the former shopfront shown on the existing plans. Owing to its basic design and use of modern materials, the new shopfront lacks the finesse and craftsmanship of a traditionally constructed shopfront such as that which previously existed here.
16. For the above reasons, the appeal development has resulted in the loss of a positive, authentic feature of the appeal building and the CA and its replacement with a discordant, modern addition. This has significantly compromised the architectural integrity of the building and impaired its historic legibility as an example of a late eighteenth and early nineteenth century building. Its contribution to the character and appearance of the CA, as a key

² List Entry Number: 1192614.

³ List Entry Number: 1314868.

unlisted building, has been diminished, adversely affecting the special interest and significance of the CA.

17. I acknowledge that there are examples of modern shopfronts within the CA, however there are also examples of traditional shopfronts, similar to that which has been removed at the appeal building. Moreover, I am not provided with the details of any planning permission relating to existing modern shopfronts which limits the weight I can give to these other examples. Nonetheless, in that regard, I am mindful of Policy 67 of the Doncaster Local Plan (2021) (the LP) that seeks to encourage the retention and restoration of traditional shop fronts in the interests of preserving and enhancing the historical character of the town centre.
18. For these same reasons, the erosion of the authenticity and legibility of the appeal building has diminished its contribution to the setting of the Grade II* listed Market Hall, Corn Exchange And Fish Market. This has adversely affected its special interest and significance. Similarly, in a small but discernible way, the appeal development has adversely affected the setting of the Grade II listed 54-55 Market Place to the detriment of its special interest and significance.
19. As the appeal building makes only a limited contribution to the setting of 50-51 Market Place, I am satisfied that the effect on the setting of this building is negligible and as such the special interest and significance of this building has been preserved.
20. Nonetheless, for the above reasons, I conclude that the development has failed to preserve the character or appearance of the CA. It has also resulted in a harmful effect on the special interest of the adjacent listed buildings, Market Hall, Corn Exchange And Fish Market and 54-55 Market Place with regard to their setting. As such, it would cause harm to the significance of these designated heritage assets.

Public Benefits and Balance

21. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Having regard to the scale and extent of the development, I find that the harm in this instance is less than substantial in terms of the Framework but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal.
22. In terms of public benefits, the appellant argues that the development has allowed for larger window spacings which has resulted in a more active frontage and provides a more useable space for the retail unit internally. Whilst there may be benefits for the individual business occupying the unit, which in turn may constitute an economic benefit, these comparatively limited public benefits do not outweigh the considerable importance and weight that even less than substantial harm to a designated heritage asset carries.
23. The development fails to preserve or enhance the character or appearance of the CA. It has also adversely affected the special interest and significance of the adjacent Grade II* listed Market Hall, Corn Exchange And Fish Market and

Grade II listed 54-55 Market Place, with particular regard to their setting. The development does not sustain or enhance the significance of the designated heritage assets, nor does it conserve them in a manner appropriate to their significance.

24. This harm would be contrary to the requirements of sections 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. The harmful impact would be contrary to LP Policy 67 described above. It would also be contrary to LP Policies 34, 35, 36, 37, 41, 42, and 46 which together seek to ensure new developments comprise high quality design that conserves and enhances heritage assets and safeguards local distinctiveness and the historic environment.

Vitality

25. Policy 23 of the LP sets out the 'Primary Shopping Areas', which are priority locations for new and existing shopping facilities. These areas contain a high proportion of shops such as food, clothing and household goods. Policy 23 seeks to protect and maintain the existing character and function of these core retail areas and manage the mix and balance of uses within them.
26. The appellant questions the relevance of Policy 23 to applications that do not include a change of use. However, the justification to the policy sets out that *'New development (including changes of use, conversions and extensions) within primary shopping areas will be expected to maintain and provide good quality active frontages at the ground floor level to enliven the street scene and promote a safer and more secure environment.'* It is therefore clear that, as the appeal scheme constitutes new development within a Primary Shopping Area, Policy 23 is a relevant consideration.
27. The Council considers that, due to the installation of the aforementioned window decals, the proposal has resulted in the loss of an active frontage, contrary to Policy 23. However, as set out above, the proposed plans show a predominantly glazed shopfront without any window decals. An active shopfront would therefore be retained as part of the scheme that is before me.
28. The proposal would therefore preserve the vitality of the town centre. In this regard, the appeal scheme would not conflict with Policy 23, described above, or Policy 67 of the LP which, amongst other things, seeks to support or improve Doncaster Town Centre as a thriving shopping destination.

Conclusion

29. Whilst I have not found harm with regard to the effect on the vitality of the town centre, I have found harm with regard to heritage assets. The development therefore conflicts with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR