



Appeal Decision

Site visit made on 3 September 2024 by I Chukwujekwu BSc MSc MIEMA CEnv MRTPI

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 November 2024

Appeal Ref: APP/N4720/Z/24/3345550

53 Commercial Street, Rothwell, Leeds, LS26 0QD

- 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 Arie Aziz against the decision of Leeds City Council.
 - The application Ref is 24/00674/FU.
 - The development proposed is retrospective application for a shopfront.
-

Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the host property and wider area, including the Rothwell Conservation Area.

Reasons for the Recommendation

4. The appeal premises is a barbers' shop located on the ground floor of a two-storey end of terrace property located on the pedestrianised Commercial Street in Rothwell Town Centre. Commercial Street is a character area which forms part of the Rothwell Conservation Area (the 'RCA'). The street is largely characterised by two-storey properties which feature shops at street level. Most of these shops feature a traditional shopfront with decorative timber mullioned transom windows with timber panelled doors. The traditional design and materials create a village like character to the street.
5. The Rothwell Conservation Area Appraisal and Management Plan (RCAAMP) identifies the appeal property as a positive building within the RCA. The RCAAMP also states that historic shopfronts form part of the special character of the RCA and should be retained and sensitively repaired as necessary and that the loss of historic shopfronts should be resisted.
6. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area.

7. It is noted that the appellants appeal statement focuses on the retention of the shopfront which has already been installed. However, the plans submitted with the application also show an altered shopfront, which given the extent of the changes on the plan would be in effect another new shopfront.
8. The proposal has ultimately resulted in the loss of a historic shopfront which was a positive element of the RCA. The, as installed, shopfront which has replaced this previous timber shopfront has a black aluminium frame with a large area of glazing and an aluminium framed glazed door. This has resulted in a design which does not reflect the character features of shopfronts in the area. This is also compounded by the use of aluminium frames which do not provide for an appropriate level of detail or design relief.
9. The proposal detailed on the plan represents an improvement over the current shopfront as a result of the addition of a brickwork stallriser and pilasters around the door, together with smaller glazed panels. However, to my mind, the use of aluminium with its flat appearance and the lack of traditional details results in a development which contrasts with the traditional nature of the appeal building and the wider RCA. I am also conscious that there are a number of good surviving traditional shopfronts and the appeal scheme contrasts with these by virtue of its materials and more contemporary design.
10. To that end, I consider that the proposal fails to preserve the character and appearance of host building or the RCA.
11. In coming to the above views, I acknowledge that the appellant considers that the proposal maintains the important characteristics of the building citing the wide glazing, and the use of black framework for the windows and door which sit well with the darker sills of the first-floor windows. However, quite simply, I disagree as these do not respect the period and proportions of the building in which they are set by virtue of the materials and design including the fully glazed door.
12. Furthermore, the RCAAMP states that there are a number of late 20th and early 21st century shopfronts which are poorly designed, and these detract from the architectural integrity of the historic buildings in which they are set. These poor shopfronts form a negative feature on the street scene and the appeal proposal only adds to this harm.
13. In addition to the above, reference is made to the Morrisons store and the nearby shopping parade which have resulted in a much more significant change to the RCA and that the appeal proposal has a much smaller impact being limited to one shopfront. However, I am not aware of the circumstances of these two developments. In any case, the loss of the historic shopfront and its replacement with one comprising of contemporary materials and design sharply contrasts with the traditional character of the host building and the surrounding area resulting in harm to the character and appearance of the RCA.
14. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Given that the development is of a relatively small scale, I find the harm to the RCA to be less than substantial in this instance but nevertheless of considerable importance and weight.

15. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal. In this case, no specific public benefits have been advanced by the appellant, nor have I been able to ascertain any significant benefit which would outweigh the harm I have already identified.
16. Taking all of the above into account, I conclude that the proposal would fail to preserve the character and appearance of the appeal building and the Rothwell Conservation Area and therefore conflicts with Policies P10, P11 and P12 of the Leeds Local Plan Core Strategy (as amended by the Core Strategy Selected Review 2019); Policy RTC4 of the Leeds Local Plan Development Plan Document : Site Allocations Plan as amended 2024 (January 2024); and saved Policies GP5, BD6, BC7 and N19 of the Leeds Unitary Development Plan (Review 2006) that seek, among other matters, proposals should be based on a thorough contextual analysis and provide good design that is appropriate to its location including that historic assets are conserved and enhanced. It would also conflict with the overarching aims of the Framework.

Conclusion and Recommendation

17. For the reasons given above, and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

I Chukwujekwu

APPEAL PLANNING OFFICER

Inspector's Decision

18. I have considered all the submitted evidence and my representative's report and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR