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## Appeal Decision

Site visit made on 2 December 2024

**by B Phillips BSc MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 06 January 2025**

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**Appeal Ref: APP/D0121/W/24/3348126**

**Kurdish Kutz, 17 Meadow Street, Weston-Super-Mare BS23 1QG**

- 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 UK Shaho LTD against the decision of North Somerset Council.
  - The application Ref is 24/P/0260/FUL.
  - The development proposed is the installation of a new shop frontage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have removed the word retrospective from the description of development above, as it does not describe development. However, for the avoidance of doubt, I saw on site that the new shopfront is in place, in accordance with the plans before me. I have therefore considered the appeal on the basis that the development has already taken place.
3. The refusal reason makes reference to the Orchard Meadows Conservation Area. The Council have confirmed that Orchard Meadows is a sub area of the Town Centre Character Area, which is within the Great Western Conservation Area.

### Main Issue

4. The main issue in this case is whether the proposed development preserves or enhances the character or appearance of the Great Western Conservation Area (CA).

### Reasons

5. The appeal site is located within the Great Western CA. The Great Western CA Appraisal and Management Plan (2018) (CAMP) sets out the significance of the CA in part derives from its great aesthetic and architectural value. The CAMP identifies Meadow Street as being part of the 'Town Centre' character area within the CA, specifically the 'Orchard Meadows' area.
6. The Town Centre area is the commercial centre of the settlement, and Orchard Street/Meadow Street is described in the CAMP as a fine-grained triangle of early Victorian terrace housing and small shops. It identifies traditional shopfronts as a positive feature of the character area. I observed that, whilst there are a variety of shopfronts in the vicinity, with modern examples of varying materials and form, a number of traditional shopfronts remain which

contribute positively to the aesthetic and architectural qualities of the surroundings.

7. Whilst the existing building is not of a classically Victorian style, it retains a traditional appearance through its proportions and gabled roof, in addition to the stone architraves, cills, and mouldings referenced by the appellant. Additionally, even if these features are not original and were 'timeworn', the pictures provided of the previous shopfront illustrate a timber frame, stall riser, mullions and a fanlight above the door. These features sat comfortably within the context of the building and resulted in a traditional character that contributed positively to the character and appearance of the surroundings.
8. These have been removed and a fully glazed frontage installed. This is contrary to the advice in the Supplementary Planning Document North Somerset Council Shopfront Design Guide (2019), which sets out that new shopfronts should *'aim to use these same materials and techniques or achieve the characteristics of these historically appropriate materials... and retain and enhance the original architectural features of a building'*.
9. Whilst the pilasters are retained, the contemporary appearance of the replacement shopfront is devoid of the former traditional detailing and materials and detracts from the character and appearance of the building. Additionally, the signage, particularly the internally illuminated box fascia, given its scale and plastic reflective nature, is of a visual prominence that further detracts from the previous traditional character of the building. The positive contribution of the former shopfront to the character and appearance of the surroundings and CA has therefore been lost.
10. The numerous alterations to the nearby shopfronts means that the original character of the area has been eroded to a degree. However, I consider that it is important to the area's character to avoid additional alterations that would result in the further loss of historic interest, even if the prominence of this location is limited. Indeed, the CAMP identifies inappropriate shop frontages and the loss of historic features as a negative feature of the Orchard Meadows character area.
11. The development results in harm to the significance of the CA. Given the localised impact of the development, this would amount to less than substantial harm, in accordance with the conclusions of the appellant<sup>1</sup>.
12. The appellant sets out that the development will ensure the retention of various historic features of the building, which are all to the first and second floor. However, these benefits are not connected to the scheme before me. Similarly, it is not demonstrated that the contribution the business makes to the town centre and the culture of the area is also dependant on the design of the shopfront before me. That the amount of glazing is more welcoming to passing trade is also not substantiated, and any benefit to access from the perceived removal of threshold would be minimal, given the minor previous threshold level. This carries little weight in favour of the proposal, therefore. Any financial benefit or cost to the appellant is a private matter.
13. As such, I find that the sum of wider public benefits associated with the appeal scheme would not outweigh the less than substantial harm to the significance

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<sup>1</sup> Para 1.12 of the 'Response' by Gibson Architecture

of the CA as a designated heritage asset, to which I attach great weight as required by the Framework.

14. For the above reasons, I therefore find that the development does not preserve nor enhance the character or appearance of the Great Weston CA. The proposal therefore conflicts with those aims of Policies DM3 and DM32 of the North Somerset Sites and Policies Plan (Part 1) (2016) and Policies CS5 and CS12 of the North Somerset Core Strategy (2017) which seek to ensure a high standard of design and development that conserves or enhances the character and appearance of the CA.

### **Other Matters**

15. The appeal site is located nearby to the Grade II listed HSBC Bank (30 High Street). The listing description of this early 20<sup>th</sup> century three storey building sets out that its significance in part relates to its Edwardian Free Style architectural qualities.
16. The setting of this listed building is partly made up of existing mixed surrounding urban form including modern development, and as such, has a limited role in the significance of the heritage asset. The proposal is seen in the context of the existing mixed surrounding urban form. Whilst harmful to the character of the CA as set out above, the development does not harm the setting and significance of this or any other listed building. In this regard then, the development does not therefore conflict with the prevention of harm to heritage assets, including their setting, goals of Paragraph 213 of the Framework.
17. Circular 06/2005 states that the presence of a protected species is a material consideration when a development proposal is being considered which would be likely to result in harm to the species or its habitat. The Council set out that the proposal is located within Bat Zone C. Based on what I observed on site and from the information before me, I am satisfied with the Council's conclusion that the town centre ground floor commercial unit is not likely to be used by bats. There is no conflict therefore with the protection of protected species requirements of the Framework, in addition to the Habitats Regulations.
18. The inconsistent application of policy is not substantiated and I have assessed the proposal against the above relevant policies, on its own merits.

### **Conclusion**

19. For the above reasons the appeal is dismissed.

*B Phillips*

INSPECTOR