



Appeal Decision

Site visit made on 21 January 2025

by T Bennett BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2025

Appeal Ref: APP/W3005/W/24/3352187

70 Outram Street, Sutton-in-Ashfield, Nottinghamshire NG17 4FS

- 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 Simon Ford c/o SSJ Holdings against the decision of Ashfield District Council.
 - The application Ref is V/2024/0265.
 - The development proposed is the removal of existing shop front windows and shutters and replaced with two new windows and an additional single door.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the determination of the original application a revised National Planning Policy Framework (the Framework) was published on 12 December 2024. However, as the parts most relevant to this appeal have not changed, I consider it has not been necessary to consult the parties on the revised Framework and no parties have been prejudiced by this approach.
3. At the time of my site visit I observed that the shop windows and shutters had been replaced with the proposed two new windows and additional single door and that the application form states these works were completed in 2022. As such, I have dealt with this aspect retrospectively. However, the pilasters and corbels shown on the proposed elevation plans were not present. I have dealt with this part on the basis of the submitted plans.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host building and street scene.

Reasons

5. The appeal site comprises a mid-terrace property on Outram Street, defined as a Local Shopping Centre. Outram Street has a mixed residential and commercial character, with many ground-floor frontages having been altered to accommodate the varied uses.
6. The ground-floor frontage previously featured two large windows with roller shutters and a single door positioned to one side of the front elevation. The first-floor windows had been boarded up. Based on the submitted plans and my on-site

observations, the previous ground-floor frontage was reflective of the character and appearance of surrounding retail premises.

7. Due to a change in business needs, the two ground-floor windows have now been replaced with two significantly smaller rectangular windows and an additional door. Notwithstanding the shop front signage, the windows are more akin to a residential property and not one in commercial use. The size of the windows contrast significantly with the larger windows I observed on other properties associated with commercial uses in the vicinity. Moreover, the horizontal emphasis of the new ground-floor windows noticeably contrast with the first-floor windows which have a vertical emphasis. The ground-floor window nearest to the new door is also significantly out of alignment with the first-floor window above.
8. Collectively, the size, shape and positioning of the fenestration unduly draws the eye and has a significant adverse effect on the character and appearance of the host property and street scene. Whilst the proposed pilasters and corbels would be a positive design feature, making reference to the property's original retail history and providing a clearer distinction between the ground-floor and upper floor uses, the inclusion of these would not be sufficient to mitigate my concerns regarding the fenestration. When viewed as a whole, the frontage fails to exemplify good design principles. Paragraph 139 of the Framework states that development that is not well designed should be refused.
9. I have carefully considered a number of examples on Outram Street where shop frontages of properties have been altered to accommodate office or residential uses, where windows do not align and where small windows have been inserted. While these examples contribute to the varied character and appearance of property frontages on Outram Street, many of these serve to highlight how poor design, both individually and cumulatively, can have an adverse effect on the street scene, with the Council acknowledging that Outram Street has become a problematic area with less than desirable frontages.
10. The examples put forward by the appellant at No 1 Brook Street and at Nos 50, 52, 54 and 74 Outram Street are solely in residential use and therefore not directly comparable to the appeal scheme. Moreover, I have limited information on those alterations and cannot be sure those developments where planning permission has been sought have been carried out in accordance with the approved plans. The Council has stated that the example at No 56 does not have planning permission. Whilst Nos 64–66 Outram Street has an office use on the ground-floor, those alterations were approved in the early 1990s predating the current development plan and Framework. Furthermore, the windows are larger and do not reflect the positioning of those in the proposal before me. The presence of these altered frontages does not justify the appeal scheme before me, which I find further compounds and exacerbates the issues of poor design on Outram Street which the Council has raised concerns about.
11. In coming to this view, I am also mindful of the Town Investment Plan 2021-2030, which, amongst other matters, aims to create an attractive town centre through a programme of economic and urban regeneration. This plan recognises Outram Street as an area requiring focussed attention in order to improve the area.
12. I acknowledge that the retail landscape is evolving, with buildings formerly used for retail now being repurposed. While the current office use may not require a large

shop front, unlike traditional retail, and that a degree of privacy is required, I am not persuaded that the appeal scheme is the only way in which the appellant's needs could be addressed and that there are no other alternatives which would not have an adverse effect on the host building and street scene.

13. I note that the smaller window and addition of a door at No 72 gives a stronger appearance of two separate properties. The opening up of the two upper floor windows is a positive aspect of the scheme, as is the removal of the metal shutters and boxing. However, when considering the shop frontage as a whole, these factors do not sufficiently mitigate the concerns I have already set out regarding the development that has already been completed.
14. For the reasons above, the development has an adverse effect on the character and appearance of the host property and surrounding street scene. Accordingly, it conflicts with Policy ST1 of the Ashfield Local Plan Review (2002). This seeks to ensure that development, amongst other matters, does not adversely affect the character and quality of the environment. It would also run counter to the aims of the Framework, which seeks to ensure that development adds to the overall quality of the area and is visually attractive as a result of good architecture.

Other Matters

15. Discussions between the Council and appellant regarding previous applications prior to this proposal have had no bearing on my decision, which is focussed on the planning merits in this case.
16. The appellant asserts that the extent of alterations on Outram Street means that returning all the properties to their original format is not a realistic proposition. However, from the information before me, I do not consider that this is the aim of the Council. Irrespective of this, encouraging good design is a central tenant of the planning system.

Conclusion

17. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

T Bennett

INSPECTOR