



Appeal Decision

Site visit made on 11 February 2025

by **C Rose BA (Hons) BTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 03 March 2025

Appeal Ref: APP/D1265/W/24/3348628

8 Institute Road, Swanage, Dorset BH19 1BX

- 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 Mike Richards, Haymans Bakery Ltd T/A The Italian Bakery against the decision of Dorset Council.
 - The application Ref is P/FUL/2023/06979.
 - The development proposed is replacement shopfront to existing bakery/cafe.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Before the start of the appeal the Council adopted the Purbeck Local Plan 2018-2034 (PLP). PLP Policies E2 and E12 replace policies D and LHH of the Purbeck Local Plan Part 1 (2012) as stated on the Notice of Decision. As there are no material changes in the policy context as a result of the adoption of the PLP, and as both parties have had an opportunity to comment on the new policies as part of the appeal, I am satisfied that this has not prejudiced any party. I have therefore considered the appeal against the relevant PLP policies.
3. On the 12 December 2024 during the course of the appeal, a revised National Planning Policy Framework (the Framework) was published. Whilst paragraph numbers have altered, any policies that are material to this appeal have not fundamentally changed. I am satisfied that this has not prejudiced any party, and I have had regard to the latest version in reaching my decision.
4. At the time of my site visit the development had been carried out and appeared to accord with the submitted plans. For the avoidance of doubt, I have determined the appeal based on those plans.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area including whether it preserves or enhances the character or appearance of the Swanage Conservation Area.

Reasons

6. The appeal site is a ground floor bakery within a commercial area comprising a mix of building styles and designs constructed in different periods. It lies on Institute Road close to its junction with Station Road and Shore Road. The site lies within the Swanage Conservation Area (CA).

7. The CA comprises development across several historic periods and represents an intact example of a resort from the late Victorian-Edwardian period. As a result, the CA comprises a blend of architectural forms and styles.
8. The appeal site falls within Zone 2 of the CA as defined in the Swanage Conservation Area Appraisal Document July 2009 (the Appraisal). This identifies the construction of significant elements of historic shop frontages between the 1890s and 1930s comprising a wide range of shops built along the western side of Institute Road. The Appraisal identifies the appeal property as 'A rare if understated piece of Art Deco.'
9. Having regard to the above, the historic significance of the CA derives in part from the variety of styles and designs of buildings reflecting the development of the settlement, particularly as a resort.
10. The appeal site is part of a three-storey building in the Art Deco style with the previous shopfront displaying art deco design features. These features included its sleek appearance, clean lines, small motifs and its symmetry.
11. The original ground floor shop frontages in the area are predominately characterised by large paned windows with low stallrisers and partly recessed entrances. Prior to the installation of the current shopfront, the frontage reflected this character containing large paned windows with slender dimensions to the door and window frames, in an Art Deco design with a low stallriser. It formed part of a variety of frontages and materials to Institute Road, making a positive contribution to the significance of the CA. This is the case despite the building not being listed or locally listed and having some internal metal railings.
12. The installed shopfront is flat in profile with no recessed or obvious entrance, no low stallriser, folding doors finished in a dark grey similar to the upper floors and with new signage fascia to match. It is of no particular historic design merit. Due to its full height glazing, the obscured glazing of the lower parts of the windows and doors do not have a solid appearance replicating a low stallriser.
13. By reason of the loss of the historic shopfront as identified in the Appraisal, and introduction of a shopfront that does not reflect the historic traditional shopfront designs, the development dilutes the original architectural mix of shopfronts, and results in the loss of a rare Art Deco shop front that helped form the significance of the CA. As a result, the development harms the character and appearance of the CA.
14. I have had regard to the stated poor condition of the shopfront, before and during its removal, but I have not been provided with detailed evidence clearly demonstrating that this could not have been corrected through suitable repair or replacement of individual elements. Similarly, I have limited evidence clearly demonstrating that the shopfront resulted in security breaches, social order or thermal and weather-proofing issues necessitating a whole new shopfront.
15. I have also had regard to the restricted access due to the central door mullion that did not comply with the latest building regulations. However, given it relates to a small part of the frontage, I am not convinced that this could not have been addressed, if necessary, through an amendment to the door configuration in isolation from the remainder of the shopfront.
16. The appellant provides photographs of several shopfronts nearby which contain varied details, materials and architectural features, lie within the CA and are modern in design utilising aluminium materials. However, I do not have the detailed history of the circumstances of all of these frontages, they are not referenced in the Appraisal as being of particular value, and as such I cannot be sure that they are directly comparable to the appeal development. Likewise, with regard to the replacement shopfront at 19 Institute

Road¹ for which more details have been provided, this does not replace a historic shopfront referenced in the Appraisal and as such is not directly comparable to the appeal development. Furthermore, I am required to consider the appeal on its merits.

17. There is a statutory duty under section 72 of the Planning (Listed Building and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
18. As the physical changes to the building are limited to the ground floor, I consider that the harm to the CA is 'less than substantial'. Under such circumstances, Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the development. There would be a public benefit from a new widened access, but as stated above, I am not convinced that this benefit could not have been achieved in isolation from the remainder of the shopfront. Similarly, I am not convinced that benefits to ventilation or social order issues could not have been achieved other than through a whole new shopfront. As such I give these benefits limited weight. Consequently, there is no clear and convincing justification for the harm, and I find that the public benefits do not outweigh the harm that I have identified.
19. It follows from the above that I conclude that the development would harm the character and appearance of the area and fail to preserve or enhance the character or appearance of the Swanage Conservation Area. The development is therefore contrary to PLP Policies E2 and E12. These policies state, amongst other things, that great weight will be given to protecting, and where possible enhancing Purbeck's designated heritage assets and their settings. They also state that account will be taken of the heritage asset's significance and expect all development to demonstrate a high quality of design that positively integrates with their surroundings.
20. Reference has been made by the appellant to the Swanage Local Plan June 2017 (SLP). In this regard I note SLP Policy STCD identifies the site as lying within one of the two areas of high townscape value. Given my findings above and the harm identified to the CA, as Policy STCD states that the character of these areas should be protected and enhanced as a result of new development, and further states that development proposals should be sympathetic to the historical and vernacular context of the area, the proposal does not find support from this policy.
21. The development also conflicts with the aims of the Framework, which places great importance on the design of the built environment and on the conservation of heritage assets such as conservation areas.

Conclusion

22. For the reasons given above, the development conflicts with the development plan and the material considerations, including the Framework, do not indicate that the appeal should be decided other than in accordance with it. The appeal is therefore dismissed.

C Rose

INSPECTOR

¹ 6/2018/0139