



Appeal Decision

Site visit made on 28 February 2025

By S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State

Decision date: 12th March 2025

Appeal Ref: APP/W3005/W/24/3355986

76-78, High Street, Hucknall, Nottinghamshire, NG15 7AX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr, Ashley Stockton (All Sports Leisure Ltd) against the decision of Ashfield District Council.
 - The application Ref is V/2024/0376.
 - The development proposed is the installation of new bi-fold doors to the front of the building.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The National Planning Policy Framework was revised in December 2024 and amended on 7 February 2025 to correct cross references from footnotes 7 and 8, and to amend the end of the first sentence of paragraph 155 to make its intent clear. The 2025 Framework (the Framework) has not materially changed in terms of the identified main issues below and therefore, it has not been necessary for me to seek comments from the main parties in respect of the changes.

Main Issues

3. The main issues are (i) whether the development would preserve or enhance the character or appearance of the Hucknall Conservation Area (CA), and (ii) the impact upon the living conditions of nearby residents in respect of additional noise and disturbance from the premises.

Reasons

Hucknall Conservation Area

4. The character and appearance of the CA is mainly that of nineteenth century and more modern brick buildings with slate or clay tiled roofs, though stone and terracotta decorative brick is also present. It has a linear appearance based upon the High Street and includes land and buildings extending outwards to either side. Buildings along the High Street itself are mainly sited at the back of the pavement with no intervening spaces.
5. The appeal building is located amongst a relatively modern, two-storey, brick-built terrace, built round the junction of High Street and Baker Street. At ground level there are generally large display windows to the various commercial and retail businesses, and while there is some variety in their design, they provide a unifying feature, limiting and containing the activities within the buildings from the pavement

in front of them. These features, plus the use of a common, small stall riser to the properties, add distinctively and positively to the character and appearance of the terrace and to the significance of the CA when considered as a whole.

6. The proposed development is to replace one such window with a bi-folding door which would open directly onto the pavement. Its vertical alignment would introduce an incongruous feature in so far that it would unacceptably contrast with the larger windowpanes in the rest of the terrace, even though the stall riser would be retained. In addition, when the bi-fold window was opened, it would connect the interior of the property more directly with the pavement and pedestrians, which is not a characteristic of the CA at this point, and which would adversely affect its overall character and appearance.
7. I consider that the proposed bi-folding doors would constitute less than substantial harm to the CA and where, in such circumstances, the Framework requires any public benefits to be weighed against any such harm. In this instance, there are no identified public benefits that outweigh the less than substantial harm that would be caused to the significance of the CA.
8. Therefore, I conclude that the proposed development would not accord with Policy ST1 of the Ashfield Local Plan 2002 (LP) which aims to protect the character of the area, or with chapter 12 of the Framework which requires development to respect the character, identity and context of an area, including the conserving and enhancement of heritage assets.

Noise and general disturbance

9. The local planning authority (LPA) considers that when the bi-folding doors are open there may be noise and disturbance to nearby residents. However, the appellant refers to the licence for the use of the premises which requires that doors and windows must be closed after 8pm.
10. The LPA has not specified where potentially affected residences may live, and, in any event, it is not certain as to the extent of any such noise and disturbance which might arise from the proposal, though I accept that additional noise might be produced. On my site visit, I was able to see that the immediate area is mainly a commercial one with a marked absence of residential accommodation in this town centre location, both at ground and first floor levels.
11. On the evidence available before me, provided by the LPA, and including the results of my site visit, I conclude that the proposed development would not result in associated harm being caused to the living conditions of occupiers of possible neighbouring residential properties.
12. Therefore, I conclude that, in this regard, the proposal accords with LP policy ST1, which, while it is mainly concerned with the protection of the character and appearance of the area, does refer to the protection of amenity. It conforms with paragraph 135(f) of the Framework which requires a high standard of amenity for existing and future users.

Conclusion

13. While I have concluded that the proposed development would not have a proven, significantly adverse impact upon the occupiers of nearby residences, I have also concluded that it would have a less than substantial harm to the CA but where

there would be no public benefit to outweigh such harm. For that reason, the appeal should be dismissed.

S. Hartley

INSPECTOR