



Appeal Decision

Site visit made on 12 March 2025

by **J Hobbs MRTPI MCD BSc (hons)**

an Inspector appointed by the Secretary of State

Decision date: 31 March 2025

Appeal Ref: APP/H4315/W/24/3352747

8 Hardshaw Street, St Helens WA10 1RE

- 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 Enterprise Credit Union against the decision of St Helens Metropolitan Borough Council.
 - The application Ref is P/2023/0694/FUL.
 - The development was originally described as “Retrospective approval for alterations to shop frontage including replacement of window for a door, repainting of elevation to grey and retention of existing roller shutters.”
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On the Application Form, the appellant has indicated that works started in June 2023 and were completed in September 2023. During my site visit I observed a development which appeared the same as the ‘As Built’ elevation on the As Existing/Built drawing¹. The Council also considered the planning application as retrospective to the development. My assessment is therefore based on the development as built and shown on the application plans.
3. As part of their appeal representations, the appellant has submitted a plan² showing an altered shopfront. The only difference between the amended plan and the development as built is the removal of the roller shutters. This has not fundamentally altered the scheme. However, the appellant has indicated that works have been completed and within the description of development it states, “retrospective approval ...”. When interested parties were consulted on the appeal, they were not explicitly informed that the appellant sought to amend the proposal, and the consultation letter referred to the proposal as “retrospective alterations ...”. Moreover, by seeking approval for a new shopfront the proposal would no longer match the description on the Application Form.
4. Therefore, in accordance with the Holborn Studios Ltd Judgment³, it would be procedurally unfair for me to consider the plan showing the amended shopfront. For the avoidance of doubt my decision is based upon the As Existing/Built drawings⁴ that were before the Council when it determined the planning application.

¹ Reference 23069-1 Rev. -

² As Proposed Reference 23069-3 Rev. -

³ Holborn Studios Ltd v The Council of the London Borough of Hackney [2017] EWHC 2823 (Admin)

⁴ References: 23069-1 Rev. – and 23069-2 Rev. -

Main Issue

5. The main issue is whether the proposal preserves or enhances the character or appearance of the Victoria Square Conservation Area (CA).

Reasons

6. As the appeal property is within the Victoria Square CA, the Planning (Listed Buildings and Conservation Areas) Act 1990 (the 1990 Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. The significance of the CA in part relates to the surviving historic environment centred around Victoria Square. The area surrounding the appeal property is characterised by mid-Victorian commercial buildings.
7. Prior to the works the appeal property retained several historic features including a continuous stone plinth and sill, ventilation grilles, a recessed doorway, and a large shop window. The appeal property was a good example of a Victorian commercial building and made a positive contribution to the CA.
8. Although the modifications from the previous shopfront are minor and the new frontage is simple and uncluttered, the insertion of a door in place of a window has led to the removal of historical features including part of the sill and plinth, as well as two ventilation grilles. It has also created a new entrance to the shop which is flush with the shopfront. Overall, the shopfront now contains a significant amount of glazing. In combination these aspects have diminished the Victorian appearance of the shopfront.
9. The shopfront includes roller boxes to accommodate shutters which are painted black to compliment the colour of the shop. The shutters are permeable which allows some light out of the shop at night and views through to the shopfront when shut. Nevertheless, the roller boxes are bulky and span the width of the original door, and over the new door and either side window. Given their massing they are dominant features and detract from the remaining historic features.
10. The introduction of contrasting colours between the frontage and the stone pediment separating the ground and first floors is a positive of the proposal as it highlights one of the remaining historic features. Nevertheless, this does not outweigh the identified harm.
11. The frames of the windows either side of the new entrance have been altered and painted black. Notwithstanding this, the previous window frames were not original features and were not reflective of the building's historic appearance. As such, their replacement with alternative modern frames is a neutral factor.
12. The appellant has highlighted other shopfronts on Hardshaw Street which have been altered and contain little or no historical features. The presence of other shopfronts which do not conserve or enhance the character or appearance of the CA, does not set a precedent for the harmful development.
13. I also acknowledge that retailers need to adapt to current economic conditions, and this could include altering their retail units. In this instance, the appellant has indicated that a new entrance was required to allow access to the first and second floor only and that security measures are necessary as it is a financial institution. However, there is no substantive evidence to explain why access to different areas

of the building needs to be separated, what alternative solutions were considered, and whether they would be less harmful to the character or appearance of the CA.

14. The appeal property is not a statutory or locally listed building, nor is it a non-designated heritage asset. However, it is located within the Victoria Square CA which is a designated heritage asset and as above I have a statutory duty to consider the effect of the proposal on it.
15. I conclude that the proposal neither preserves or enhances the character or appearance of the Victoria Square CA. The proposal is contrary to policies LPA02, LPC11, and LPD01 of the St Helens Borough Local Plan up to 2037, July 2022. These policies indicate that the impact of development proposals on the significance of heritage assets will be considered in accordance with legislation and the National Planning Policy Framework (the Framework), amongst other matters.
16. Given the scale of the proposal, it has resulted in less than substantial harm to the CA. Regardless, paragraph 212 of the Framework is clear that great weight should be given to a heritage asset's conservation. I therefore ascribe significant weight to the harm to the CA. Paragraph 215 of the Framework indicates that less than substantial harm to the CA should be weighed against the public benefits. The only public benefit would have been the economic benefits associated with the installation of the new shopfront. Due to the scale of the proposal, I ascribe modest weight to the benefit. The public benefit does not outweigh the less than substantial harm to the CA.

Other Matters

17. The Grade II listed 16 Hardshaw Street⁵ is in proximity to the appeal property. It dates to the 19th Century and contains several historical features which relate to its previous use as a bank. In accordance with Section 66(1) of the 1990 Act I shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The proposal does not alter the listed building. There are several intervening properties between it and the appeal property; consequently, the minor alterations to the shopfront has a negligible effect on the setting of the listed building. As such, the proposal preserves the setting of 16 Hardshaw Street.
18. I acknowledge the appellant's comments in relation to the conduct of the Council during the determination of the application. However, these are matters between the appellant and the Council and it is not a matter for my consideration on the acceptability of the appeal proposal.

Conclusion

19. The development conflicts with the development plan, when considered as a whole, and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Therefore, the appeal should be dismissed.

J Hobbs

INSPECTOR

⁵ List Entry Number: 1199202