



Appeal Decision

Site visit made on 1 May 2025

by **F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

an Inspector appointed by the Secretary of State

Decision date: 8 May 2025

Appeal Ref: APP/P2935/Y/24/3354690

17-19B Clayport Street, Alnwick, Northumberland NE66 1LA

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mr Abdul Salam, Leo Thai Ltd, against the decision of Northumberland County Council.
 - The application Ref is 24/01120/LBC.
 - The works are described as 'removal of existing shop front and signage, and replace with like for like fittings.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The works subject to the appeal are stated to have started on 10 March 2024 and completed on 23 March 2024. This was confirmed on my site visit. I have therefore determined the appeal on the basis that it seeks to regularise and retain the works carried out.
3. The appeal concerns works to a listed building within a conservation area. Whilst the Council's delegated report and consultee comments set out that the works fail to preserve the character and appearance of the conservation area, its reason for refusal focuses solely on the effects of the works to the listed building.
4. Nonetheless, I am mindful of my statutory duties under sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act). Consequently, I have had both, special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses; and paid special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. As both of these issues have been addressed by the appellant in their evidence, I am satisfied that their interests are not prejudiced by my approach.
5. The Council's reason for refusal cites conflict with Policies ENV 1, ENV 7 and ENV 9 of the Northumberland Local Plan 2016-2036, adopted March 2022 (the NLP). In its evidence the Council additionally highlights conflict with Policies HD5 and HD7 of the Alnwick and Denwick Neighbourhood Plan 2014-2031, made July 2017 (the A&D NP) and the Alnwick Shopfront Design Guide, 2021 (the ASDG). The appellant has had the opportunity to respond to these policies and guidance as part of the appeal process. I am therefore content that it is not prejudicial to the appellant's interests in me taking them into account.

Main Issue

6. The main issue is whether the works (i) preserve the Grade II listed building or any features of special architectural or historic interest which it possesses; and (ii) preserve or enhance the character or appearance of the conservation area.

Reasons

Special interest and significance

7. The appeal property forms part of a Grade II listed building, 17 and 19 Clayport Street¹. The building is stated to date from circa 18th century, comprising a painted rendered front with a slate roof, and shopfronts at ground floor level either side of a through-passage.
8. From the evidence before me, the special interest and significance of the listed building are mainly derived from its architectural and historic interests in illustrating modest 18th century properties within a varied terrace. Important contributors in these respects, are the asset's traditional materials and methods of construction; surviving historic fabric; and modest but pleasing vernacular form and style.
9. Moreover and pertinent to the appeal, the presence of 'small modern shop fronts' either side of the through-passage is cited in the description when it was listed in 1977, albeit with no reference to materials. The appellant submits that the appeal property has been in use as a hot food takeaway for over 15 years and their evidence includes images of the building's frontage, the earliest dating from September 1999 and the latest dating from July 2021. These show the changes to the frontage of the listed building during this time, particularly in terms of the shopfront which is the subject of the appeal.
10. The submitted 'existing front elevation' drawing shows a 'shopfront' similar to that present, and the annotation states 'no changes to existing front elevation other than new fascia'. However, the description of works includes the removal and replacement of both the shop front and signage. Additionally, no corroborative evidence has been provided as to the appearance of the building and form/design of the shopfront immediately prior to the appeal works being carried out; and importantly, it has not been demonstrated that any of the changes shown or alluded to, benefit from listed building consent.
11. The submitted photos illustrate that previously, and possibly at the time of listing, the listed building possessed a shopfront incorporating modern elements and materials, principally metal framed fenestration and door. Nonetheless, they also confirm that it maintained a traditional shopfront frame, constructed of painted timber, which included key components of an entablature with fascia, pilasters and a stallriser.
12. Having regard to all of the above, it is reasonable to conclude that, prior to the appeal works being carried out, the fabric of the shopfront was of modest historic interest. However, with no evidence to the contrary, its form and design, displaying a traditional shopfront frame, provided a degree of authenticity to the building's frontage and, in these respects, contributed in a positive way to the architectural integrity of the property and thus its special interest and significance.

¹ National Heritage List for England, List Entry Number 1041495.

13. The listed building occupies a prominent position within the Alnwick Conservation Area (the ACA). The ACA's special interest in terms of its character and appearance stems, in part, from its surviving historic street pattern and layout, along with the architectural quality and variety of its historic buildings that are a result of the town's evolution and which underpin its local distinctiveness.
14. Clayport Street is an early medieval route and one of the main streets into the town centre. As a listed building located on this historic thoroughfare and part of the ACA's rich townscape, 17-19 Clayport Street supports and sustains the positive qualities which contribute to the character and appearance of the ACA as a whole and thus to its significance as a designated heritage asset.

Works and effects

15. Paragraph 212 of the National Planning Policy Framework, 2024 (the Framework) sets out, 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. Paragraph 213 goes on to state that, significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
16. The possible presence of metal framed fenestration and door within the shopfront at the time of listing is acknowledged. In this regard, I recognise the shopfront's consequent lack of compliance with the Design Guide for Shop Fronts² and the ASDG. On this basis, in terms of materials, the incorporation of a metal frame for these elements within the replacement shopfront, 'preserves' the special interest of the listed building³, with no harm to its significance.
17. That said, I am mindful that the Framework requires decision makers to take account of the desirability of, sustaining and enhancing the significance of heritage assets (my emphasis), and the desirability of new development making a positive contribution to local character and distinctiveness⁴. Also, that the aim of the ASDG is to promote high standards of design for new shopfronts and alterations to existing shopfronts. The replacement of the previous metal framed fenestration and door with a similar modern material, fails to achieve these objectives.
18. Additionally, the complete removal and loss of the traditional timber shopfront frame and the insertion of floor to ceiling windows, combined with the installation of an overly large and dominant 'folded tray' fascia sign, undermine the authenticity of this shopfront within the listed building. These changes also disrupt the informal symmetry of the asset's principal elevation in relation to the referenced 'small' shopfronts either side of the through-passage and detract from the building as a whole.
19. Whilst the works may have been an 'upgrade' of the previous shopfront and signage, there is nothing before me which supports the appellant's assertions that it was 'imposing' and/or 'dilapidated'. Taken together, the identified harmful effects lessen the integrity and heritage merit of the asset. Consequently, the works do not preserve the special interest of the listed building and harm its significance as a designated heritage asset.

² The Design Guide for Shop Fronts, adopted by Alnwick District Council in 1995, was replaced by the ASDG in 2021.

³ From the date of listing.

⁴ Paragraph 210 (a) and (c).

20. Given the heritage merit of the listed building and its prominent location on a key route within the ACA, it logically follows that the works also do not preserve or enhance the character or appearance of the ACA as a whole and harm its significance as a designated heritage asset.

Public benefits and balance

21. In finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the nature and extent of the works, I find the harm to the significance of the listed building and the ACA is, individually and cumulatively, 'less than substantial', being around the mid-point of that category.
22. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
23. It is reasonable to conclude that the replacement shopfront and signage generated modest economic benefits in its manufacture and installation. This outcome is of a nature to be of benefit to the public at large and, whilst modest in its extent, weighs in favour of the appeal.
24. However, I am not persuaded that the only way of securing such public benefits, is by means of the shopfront and signage as installed. Moreover, there is no substantive evidence before me which demonstrates that the works as undertaken are necessary to secure the ongoing retail use of this part of the listed building.
25. In all of the above respects, clear and convincing justification for the harm to the significance of the listed building and ACA arising from the works has not been provided. On balance, in giving considerable importance and weight to the harm to the significance of the designated heritage assets, I find that this is not outweighed by the public benefits generated by the works.
26. Drawing all of the above together, I conclude that the works do not preserve the Grade II listed building or any features of special architectural or historic interest which it possesses; nor do they preserve or enhance the character or appearance of the ACA. As such, they harm the significance of these designated heritage assets, and this is not outweighed by the public benefits of the works. Consequently, there is conflict with the statutory presumptions set out in sections 16(2) and 72(1) of the Act; and the provisions within the Framework which seek to conserve and enhance the historic environment.
27. There is also conflict with: Policies ENV 1, ENV 7 and ENV 9 of the NLP; Policies HD5 and HD7 of the A&D NP; and guidance in the ASDG. This is in so far as these policies and guidance seek that the character and/or significance of Northumberland's distinctive and valued natural, historic and built environments, will be conserved, protected and enhanced; that the significance, quality and integrity of Northumberland's heritage assets and their settings will be conserved and enhanced; that the local distinctiveness of conservation areas will be enhanced and reinforced; and that new development within the historic centre of Alnwick conforms to specific design principles, including those for shopfronts and its individual components which form the finished design.

Other Matters

28. The appellant states that any changes to the property over the last 15 years have not raised any complaints or enforcement action. However, the Council in its statement cites five previous enforcement complaints and a current open enforcement case at the property⁵. Even if this were not the case, these matters would not have denoted a lack of harm to the building or the townscape, nor would they have directed that the appeal should be allowed.

Conclusion

29. For the reasons given above the appeal should be dismissed.

F Cullen

INSPECTOR

⁵ Enforcement Ref: 24/00270/LISTED opened on 20 March 2024.