
Appeal Decision

Site visit made on 12 August 2025

by **Samuel Watson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 September 2025.

Appeal Ref: APP/X1165/Y/25/3366974
159 Winner Street, Paignton TQ3 3BP

- 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 Avalon Planning and Heritage against the decision of Torbay Council.
 - The application Ref is P/2022/1233/LB.
 - The works proposed are redecoration and internal alterations to ground floor shop.
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Decision

1. The appeal is dismissed and listed building consent is refused for redecoration and internal alterations to ground floor shop.

Preliminary Matters

2. As the appeal relates to a listed building consent, I have had special regard to section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). During my visit I noted that the works related to this appeal had largely been completed. The description of works above has also been altered so that it does not include any superfluous information.

Main Issue

3. The main issue is whether the proposal would preserve a Grade II listed building, namely 159 and 161, Winner Street (List Entry No 1208561) and any features of special architectural or historic interest which it possesses.

Reasons

4. The appeal site comprises one portion of the overall listed building it is a single room that has previously been subdivided and converted to create a retail unit with a room at the rear and a shop front. I understand that the rest of the building has been retained in a residential use but was further subdivided into flats.
5. The listed building is likely from the 18th century or older with later alterations, including those noted above. Its frontage is stuccoed with asymmetrical and varied fenestration. The shop front, door to the residential portion, and the upper floor windows are timber, while one of the ground floor residential windows is in UPVC. The shopfront is served by a bay window and large areas of glazing. Internally the retail unit primarily presented, at the time of my visit, as a modern renovated space with only the layout of the room and presence of an alcove behind the WC being of clear historic interest. Overall, the building's significance stems primarily from its age, the legibility of its residential use and its relationship with similar buildings in its surroundings.

6. Very scant documentation has been provided as to what clearance or demolition works were carried out on the retail unit and what, if any, historic fabric and construction, such as plaster and lath, was found. It is not, therefore, possible to ascertain what historic significance and interest this space contributed to the building as a whole.

7. I understand that the original subdivision and conversion of the appeal site for use as a shop was carried out in the 1960s. There is, therefore, a potential that at least some of the historic fabric and interest was already lost but it is not possible to confirm this. As such there is a risk that the works before me, which stripped back the room to bare walls and framing, have resulted in the significant loss of historic fabric within the retail unit. However, although significant in terms of the retail space alone, when considered against the building as a whole I consider this loss to be more modest, especially given these features would have been hidden behind internal finishes and shop fittings.

8. At the time of my visit, and with the exception of the flooring, the room had been redecorated to present a fairly contemporary and plain space that, on the whole, presented very little historic interest beyond the retained form of the room and the visible presence of the alcove under the stairs. While the construction methods and materials may not be readily legible, as the internal finishes have been added, the choice of finishes also do not contribute to the historic interest of the building as a whole. In particular, the significant number of prominently placed wall sockets, the door to the WC and the light fittings are not sympathetic to the age, appearance or history of the listed building. Collectively, these features are more akin to what would be expected in a modern office rather than an historic building. The works have, therefore, also resulted in harm stemming from the visual appearance of the unit and its contribution to the listed building's significance.

9. I am content that the rear portion of the room had, prior to the works, been raised on a higher portion of bedrock and that it is unlikely there was any archaeological loss stemming from the works. Further, given the presence of asbestos tiles at the front of the shop, it is unlikely that there were any historic features of note above these. From my observations on site, I am content that the laying of new pipework through the shop to the WC is also unlikely to have resulted in any archaeological loss.

10. Nevertheless, and contributing to the harm outlined above, the lowering of the rear portion of the floor will have removed any suggestion that the original floor level was higher than that now present. This further erodes the connection of the listed building which has already been somewhat separated by the creation of the shop. Lowering the floor level will have also changed the proportions of the room's height, again separating it from its historic form and appearance.

11. In all, harm has arisen from the works carried out. This primarily stems from the visual appearance of the unit, which is not sympathetic to, and does not respect, the historic character and interest of the listed building. Lacking any evidence to the contrary, further harm is also likely to have occurred through the loss of historic fabric of the listed building.

12. Against this background, and given the scale of the works, I find this to be a modest degree of less than substantial harm to the significance of the designated heritage asset. Although less than substantial, the Framework is clear that great weight

should be given to any asset's conservation. Paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal.

13. The works have brought a retail unit up to a standard expected of modern units and bringing this space back in to use will support the local economy. Some modest additional support to the local economy will have also occurred during the works itself. The repainting of the frontage and internal improvements to the layout of the bay window will have also provided some benefits to the character and appearance of the surrounding area. However, as the unit was already in a retail use, it has not been suitably substantiated that the works were necessary to secure the optimum viable use.

14. Although the above are public benefits, they are only modest given the scale of the retail unit in relation to the surrounding commercial area and Paignton as a whole. In the circumstances of this case, they do not outweigh the harm to the designated heritage asset.

15. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building and thus fails to satisfy the requirements of the Act, Framework and the development plan policies insofar as they are relevant.

Conclusion

16. For the reasons given above, the appeal should be dismissed.

Samuel Watson

INSPECTOR