



Appeal Decision

Site visit made on 17 March 2026

by J Buxton BA(Hons) DipArch ARB RIBA

an Inspector appointed by the Secretary of State

Decision date: 30 April 2026

Appeal Ref: APP/W2465/Z/25/3375956

18 Market Street, Leicester LE1 6DN

- 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 S Sharma against the decision of Leicester City Council.
 - The application reference is 20251008.
 - The development proposed is Alterations to Class E premises including installation of roller shutter, new fenestration, and internal alterations.
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Decision

1. The appeal is allowed and planning permission is granted for Alterations to Class E premises including installation of roller shutter, new fenestration, and internal alterations at 18 Market Street, Leicester LE1 6DN in accordance with the terms of the application reference 20251008, subject to the following condition:
 - 1) The development hereby permitted is as shown on the following approved plans: PS/2025/1 and 18MS-A0-001.

Preliminary Matters

2. I observed on my site visit that a new glazed aluminium shopfront including two doors along with a roller shutter have been installed at the appeal property in line with those shown on the submitted plans. I have therefore determined the appeal on the basis that development has already occurred.

Main Issue

3. The main issue is whether the development preserves or enhances the character and appearance of the Market Street Conservation Area (MSCA).

Reasons

4. The appeal property is a three-storey building on Market Street, a pedestrianised street within Leicester city centre. It has a rendered appearance, while its neighbours are a mix of brick and stone. It sits within a predominantly commercial area which is characterised by a variety of shopfronts with a range of uses above. The upper floors of the appeal property include both offices and residential accommodation. The buildings along this section of Market Street each display distinct character above street level, and the ground floors are also varied in style and quality, giving the pedestrianised area a mixed appearance. There is no coherent theme or design feature which presents any specific uniformity. At the time of my visit a number of the shopfronts were boarded over.

5. The significance of this part of the MSCA is derived from its historical development as a commercial and shopping area during the Victorian and Edwardian periods, having been laid out in the mid-nineteenth century as a wide thoroughfare that remains legible today. Market Street is characterised by detailed facades, shopfronts and distinctive upper-storey treatments, with its eclectic mix of styles and materials forming an important aspect of its special character. The street is composed of a collection of highly individual buildings which include bay windows, balconies, overhanging eaves, gables and dormers which punctuate the facades.
6. I acknowledge the appellant's representation that the visual and historic character of this part of the MSCA is already influenced by the varied nature of the shopfronts along Market Street, and this has formed part of my assessment of the development.
7. At the time of my site visit the ground floor unit was being renovated. The shopfront glazing had been installed, and I was able to view it. However, I did not have the benefit of observing the shutter in its closed position. I have, nonetheless, been provided with photographic evidence showing the shutter closed.
8. Externally, the completed development affects only the ground floor element of the building. The replacement works are confined to the area beneath the blind box, which formed part of the previous shopfront arrangement. The narrow pilasters to either side of the shopfront, along with the fascia panel have been retained beneath which, an aluminium framed glazing system including two doors: one serving the upper floors and one serving the commercial unit has been installed. The works are modest in scale and do not compete with the more defining architectural elements of the upper floors, which are of greater significance to the character of the MSCA.
9. The Council has raised concerns regarding the removal of the recessed shopfront feature and the absence of a more symmetrical arrangement of glazing. I acknowledge that recessed entrances can add depth and articulation to shopfronts. However, such features are not consistently present across the wider MSCA, where a range of shopfront forms and levels of detailing are evident. In this context, the contribution of the former recessed feature to the overall significance of the building was limited and its loss would have a localised effect.
10. The Council is also concerned about the inclusion of a roller shutter and its associated box housing. From my site visit, I observed that the shutter box is positioned beneath the existing blind box, is recessed within the overall shopfront arrangement and that the shutter guides do not detract from the overall appearance of the installation. As a result, the arrangement is not visually prominent during the daytime when viewed in the context of the wider street scene. The completed development does include solid shutters which would be evident when the unit is closed. However, this is not an unusual occurrence in this area of the MSCA, and it would therefore not seem justified to impose an alternative requirement with respect to this installation.
11. The Council's Shopfront Design Guide (CSDG) seeks to resist the unnecessary loss of traditional shopfront features; however, it provides design guidance rather than a prescriptive policy requirement. In this instance, while the removal of the recessed door feature does not fully align with the guidance as this feature is not a defining characteristic of the MSCA its loss would not materially change the wider character of the area.

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 places a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of the MSCA. In considering the effect of the proposal on the MSCA the impact must be weighed against the harm it would have on the heritage asset.
13. The limited scale of the development, together with the retention of traditional shopfront features surrounding the glazing, would moderate the impact of the proposal. Nevertheless, for the reasons set out above, I find that the proposal would result in less than substantial harm to the character and appearance of the MSCA. This harm is however at the very lower end of the spectrum.
14. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development or works on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
15. With reference to Paragraphs 214 and 215 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development and works relative to the building and its context with the MSCA, I have found that the harm to the heritage asset would be at the very lower end of less than substantial. Under such circumstances, Paragraph 215 advises that this harm should be weighed against the public benefits of the proposal.
16. I have considered the appellant's case regarding the continued vacancy of the unit and the benefits that its reoccupation would bring to Market Street. Bringing the premises back into active use would support the vitality of the street, contribute to natural surveillance, and may also in turn reduce the likelihood of anti-social behaviour. In addition, the provision of appropriate external security measures would help safeguard the building fabric during periods of closure, reduce the risk of vandalism and criminal damage, and subsequently support the long-term viability and occupation of the unit, particularly for small or independent businesses.
17. Collectively these public benefits are of substantial weight. In this instance I conclude that the public benefits outweigh the less than substantial harm to the MSCA that I have identified above. Accordingly, the development would have a clear and convincing justification and therefore a conflict with the City of Leicester Local Plan Policies CS3 and CS18 which seek to conserve and enhance heritage assets, would not occur. There would also be no conflict with Local Plan Policies BE10 and BE11 which promote high-quality shopfront design and security measures that respect the host building and the wider street scene.

Other Matters

18. I have taken into account representations referring to the retrospective nature of the development. However, the fact that the works have already been carried out does not, in itself, weigh for or against the proposal. The appeal must be determined on its planning merits, having regard to the effect of the development on the character and appearance of the MSCA and the relevant development plan policies. On this basis, the retrospective nature of the application does not alter my assessment or conclusions.

19. I note that the Council is at an advanced stage in progressing a new Local Plan toward adoption. As a result, it attracts significant weight as a material consideration. The relevant emerging policies are broadly consistent with the adopted development plan and national policy, particularly in their emphasis on high-quality design, an appropriate relationship with the host building, and the protection of visual amenity within the street scene. In regard to shopfront design and security measures, the emerging policies mirror the established approach of seeking integrated, well-proportioned and unobtrusive solutions. As a result, the adoption of the new Plan would not materially alter my assessment of the proposal, nor would it lead me to a different overall conclusion in this appeal.

Conditions

20. I have considered the Council statement that conditions are not necessary as the development has already been carried out. However, in the interests of clarity and certainty I have imposed a plans condition which should not come as a surprise to either party.
21. The appellant has suggested that conditions relating to the implementation of perforated or lattice-style shutters along with a condition to control the colour and finish of the shopfront and shutters. However, I am satisfied that the appeal can be determined on the basis of the proposal before me, and it is not necessary to require these additional provisions in order to reach my conclusion.

Conclusion

22. For the reasons given above the appeal should be allowed.

J Buxton

INSPECTOR