



---

## Appeal Decisions

Site visit made on 4 February 2020

by **S J Papworth DipArch(Glos) RIBA**

an Inspector appointed by the Secretary of State

Decision date: 19 February 2020

---

### Appeal A: APP/V2255/W/19/3239875

**3 Broadway, Sheerness, Kent ME12 1AB**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr D Lynch, Sheerness Travel Agency Ltd against the decision of Swale Borough Council.
  - The application Ref 19/500661/FULL, dated 1 April 2019, was refused by the Council by notice dated 19 June 2019.
  - The development proposed is alteration to shopfront, including removal of glazed panel to be replaced with external access door to existing flat above. Removal of existing internal flat door and new hallway formed within shop area.
- 

### Appeal B: APP/V2255/Y/19/3239878

**3 Broadway, Sheerness, Kent ME12 1AB**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr D Lynch, Sheerness Travel Agency Ltd against the decision of Swale Borough Council.
  - The application Ref 19/502391/LBC, dated 1 April 2019, was refused by the Council by notice dated 19 June 2019.
  - The works proposed are alteration to shopfront, including removal of glazed panel to be replaced with external access door to existing flat above. Removal of existing internal flat door and new hallway formed within shop area.
- 

### Decisions

1. I dismiss both appeals.

### Main Issue

2. This is the effect of the proposal on the architectural and historic interest of the Grade II Listed Building and the character and appearance of the Sheerness: Mile Town Conservation Area.

### Reasons

3. Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area

Appeal Decisions APP/V2255/W/19/3239875 & APP/V2255/Y/19/3239878

---

4. Paragraph 193 of the 2019 National Planning Policy Framework states that 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.
5. Policy CP4 of Bearing Fruits 2031: The Swale Borough Local Plan 2017 requires good design including the need to retain and enhance features which contribute to local character and distinctiveness while Policy CP8 seeks the conservation and enhancement of the historic environment. General development criteria are contained in Policy DM14, and development involving shopfronts will be required to be of a design which responds positively to the character of the building and its locality as stated in Policy DM15. Policies DM32 and DM33 concern development involving listed buildings and conservation areas respectively.
6. The Council have published guidance as follows; *'Conservation Areas', 'Listed Buildings, A Guide for Owners and Occupiers'* and *'The Design of Shopfronts, Signs & Advertisements'*. The *'Mile Town, Sheerness Conservation Area Character Appraisal'* refers to the terrace on the Broadway as being originally built as houses but with the ground floors having been converted to shops, continuing that; *'the original fenestration and brickwork of the upper floors is still largely intact but piecemeal conversions to shops and other uses have caused the ground floor elevations to lose much of their visual continuity.'* The appeal premises along with others in the terrace were listed for their group value in 1978 at which time the ground floors were described as *'mainly modern shopfronts'* with the exception of numbers 17 and 19 to the east.
7. The application and appeal were made in the name of Sheerness Travel Agency Ltd, but the supporting document made clear the intention to cease trading and to seek a new occupier for the shop and office. There being no independent access to the separate residential tenancy above was seen as a potential problem, and it is the case that many shopfronts on the street incorporate a separate door to one side of the retail space and frontage. The layout of the stairs at number 3 indicates that originally the house door would have been on the right-hand side, as now again proposed, although historically there would have been no shopfront.
8. The provision of a separate doorway in the historically correct position would be acceptable, provided it was either incorporated as an integral feature of the shopfront or reinstated as a segmented arch in brick surrounds, separate from the shopfront; both solutions being in place successfully on the terrace.
9. The present shopfront is modern and the fascia signage inappropriately large and strident, although it is unclear what action the Council has taken previously, it being stated that the fascia did not have the benefit of either a listed building or advertisement control consent. The signage in place at the time of the site inspection was for an estate agency and is clearly new.
10. The document *'The Design of Shopfronts, Signs & Advertisements'* states that in appropriate locations, such as in conservation areas and on listed buildings, the Council will encourage the replacement of modern and inappropriate shopfronts, with the design being required to reflect the character of the building and use appropriate materials. The use of what is described as a 'period style' which is not accurately based on good historic precedent will be discouraged.

Appeal Decisions APP/V2255/W/19/3239875 & APP/V2255/Y/19/3239878

---

11. The original building was a house, and at the time of listing it was a shop, apparently one of the '*mainly modern shopfronts*' referred to in the listing description. It is for the Council to determine what style of shopfront would be appropriate to that context were an application to be made. However, the present shopfront is of limited design quality and the insertion of the door as proposed would worsen the effect of that design on the street-scene, it being poorly integrated with the glazing arrangements, leaving a thin pane between the door and the recessed shop entry.
12. The proposal would cause harm to the architectural significance of the listed building which remains in place on the front elevation above, and would erode the value of the group, and hence would fail to preserve the character and appearance of the conservation area, causing harm to that designated heritage asset as well.
13. The level of harm would be 'less than substantial', a differentiation required between paragraphs 195 and 196 of the Framework. In this case the latter applies and this states that this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
14. The reinstatement of the historically correct entry door could be a public benefit to the presentation and understanding of the listed building, although the method proposed here is not appropriate. The provision of a separate entry to a flat would be a public benefit if it allowed the continued occupancy of a residential use in a highly sustainable location, whilst allowing the continued use of a prominent town centre ground floor unit. However, that welcome aim could be achieved in a less harmful way, and the shop has remained in use despite the travel agency closing.
15. To conclude, the opportunity has not been taken to enhance the character and appearance of the conservation area, rather harm would be caused, and that harm is not outweighed by public benefits. The proposal is contrary to the Development Plan policies, local guidance, national policy and the statutory tests in the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons given above it is concluded that both appeals should be dismissed.

*S J Papworth*

INSPECTOR