



Appeal Decisions

Site visit made on 5 September 2023

by **Helen O'Connor LLB MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 6 October 2023

Appeal A Ref: APP/R3325/W/22/3301027

24 High Street, Wincanton, Somerset BA9 9JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr Fazlur Rahman against South Somerset District Council.
 - The application Ref 21/03112/FUL, is dated 15 October 2021.
 - The development proposed is described as 'Alterations to shopfront.'
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Appeal B Ref: APP/R3325/Y/22/3301032

24 High Street, Wincanton, Somerset BA9 9JF

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a failure to give notice within the prescribed period of a decision on an application for listed building consent.
 - The appeal is made by Mr Fazlur Rahman against South Somerset District Council.
 - The application Ref 21/03113/LBC, is dated 15 October 2021.
 - The works proposed are described as 'Alterations to shopfront.'
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Decisions

1. Appeal A is dismissed and planning permission is refused.
2. Appeal B is dismissed and listed building consent is refused.

Preliminary Matters

3. The address given on the original application forms refer to 24 High Street. However, the appeal site, as denoted by the red line on the location plans submitted, includes the adjacent property 26 High Street. No.24 High Street is a Grade II listed building (List Entry Number: 1238664), while no.26 is not listed. The appeal site is also located within the Wincanton Conservation Area (CA). Accordingly, and as relevant, I have borne in mind my statutory duties in respect of sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. On 1 April 2023, South Somerset District Council (SSDC) ceased, and the administrative area became part of Somerset Council. Nevertheless, both applications were submitted to SSDC and it was the local planning authority (LPA) at the time of the submission of the appeals. Hence, I have referred to SSDC in my heading above. The development plan for the former district remains the South Somerset Local Plan 2006-2028, March 2015 (LP).
5. The National Planning Policy Framework (the Framework) was updated on 5 September 2023 and after the submission of the appeals. The historic

environment policies have remained unchanged within the new version of the Framework, which is a material consideration in planning decisions.

6. Both appeals are made owing to the failure by the LPA to determine the respective applications within the requisite period. The LPA has confirmed¹ that had it been able to make the determinations, then it would have refused both applications for a similar reason. Namely, in relation to a failure to identify the significance of relevant heritage assets which prevents a proper assessment of the effects of the proposals. The case is also put that the development and works would conflict with policies SD1, EQ2 and EQ3 of the LP. The LPA's putative reason for refusal has informed my framing of the main issues in these appeals.

Main Issues

7. The main issues in both appeals are the effect of the proposed works and development on the Grade II listed building, 24 High Street, its setting or and any features of special architectural or historic interest it possesses; and whether the character or appearance of the CA would be preserved or enhanced.

Reasons

Significance and special interest

8. The appeal site comprises two adjoining properties that occupy the south side of High Street in central Wincanton. The Grade II listed building (no.24) is mid-terrace; two storeys plus attic and is constructed in local stone rubble, with a plain clay tile mansard roof with brick end chimney stacks. According to the statutory list description, it dates to the late 18th century, although much altered in the 20th century including a 1980s shopfront across the whole ground floor. The statutory list entry specifically identifies the building's group value.
9. The significance and special interest of no.24 is, in part, drawn from its surviving historic fabric and architectural qualities as an example of an 18th century town building. The even spacing of 12-pane timber sash windows and eaves cornice contribute to a balanced form and are features that contribute to the building's architectural interest. Significance and special interest also comes from the integral contribution no.24 makes within a series of attractive vernacular buildings lining the High Street, indicative of its wider group value. I observed that the extant c.1980s shopfront at no.24 has a disproportionately wide fascia board, crude pilasters, expansive glazing and an off-centre main doorway. Overall, these have introduced unsympathetic proportions and detailing to the building's frontage, weakening its architectural quality and interest at ground floor level.
10. Internally, the submitted floor plans show the interior of the ground floor shop unit of no.24 comprises a large, mostly open area with little evidence of any notable historic detailing, plan-form or fittings. Even so, legibility of the overall plot width, separation from neighbouring properties as well as historic fabric survives within the party walls, which does contribute to its architectural and historic significance.

¹ Paragraph 6.1, Statement of Somerset Council

11. Wincanton had a medieval market and status as a borough, factors that are still legible in the layout of the streets, public spaces and probable former burgrave plots within the settlement. Because of its location on main coaching and railway routes, the town prospered over time. The CA designation includes the older and notable parts of the historic market town of Wincanton. The built development of the town over many centuries is, to this day reflected in the historic core of the CA around the marketplace and shop units along the High Street. Hence, part of the significance of the CA is derived from the historic townscape and rich architectural heritage found in the long rows of vernacular development lining the High Street, which includes the appeal site.
12. The Wincanton Conservation Area Appraisal 2010 (WCAA)² refers to the concentration of listed buildings in this area and highlights examples of good quality shopfronts. It further states that some mid-20th century shop fronts are characterised by inappropriate colours and materials, with flat fascias, little detailing and poor lettering and acknowledges that there is scope for progressive improvement. My observations were that the unsympathetic proportions and detailing of the shopfront at no.24 would broadly meet that description.
13. Even so, overall, the appeal site and no.24, retain attractive aesthetic qualities that make a positive contribution to the distinctive character and appearance of the High Street and CA as a whole.

The effect on the listed building and CA

14. The proposed works and development would involve alterations to the shopfronts at both no.24 and no.26. Internally, it is proposed to create a new opening in the side wall that separates the two properties, to facilitate the use of no.24 as part of the restaurant already established at no.26. The proposals would also introduce some internal partitions within the ground floor unit at no.24.
15. The shopfront element of the proposals would retain the disproportionately wide fascia board of the extant shopfront at no.24 as well as introducing a rendered blockwork dwarf wall. A similar blockwork wall with a 'terylene buff' coloured finish is proposed at no.26. Anthracite-coloured aluminium glazing bars and cills would house triple glazed sealed units above. Furthermore, the doorway at no.24 would be reduced in size to be used as a fire exit and positioned to the edge of the frontage, flush with the glazing. This would mean the principal entrance to the appeal site would be through no.26.
16. Overall, I consider that the design, proportions and modern materials of the proposed shopfront alterations would compound the unsympathetic and uncharacteristic impact of the extant 1980s shopfront. Indeed, the fascia board, dwarf wall and large windows would have an uncompromising modern appearance and finish that lacks refinement. They would give an unsympathetic and crude horizontal emphasis to the principal elevation. This would contrast discordantly with the proportions, symmetry and traditional detailing of the upper part of the frontage.
17. Other than physical proximity, there is no evidence to indicate that the two properties had any physical link through their shared party wall. Rather, the

² Pages 10 and 15

long narrow nature of the respective plots is indicative of a traditional 'burgage' plot that is typical of medieval market towns and a feature of the CA. Creating an opening between the two would not only result in the likely loss of some, albeit small, amount of historic fabric, it would blur the distinction between the two, historically separate, properties. In addition, the relegation of the main entranceway to a fire door in the principal elevation of no.24 would undermine the legibility, balance and architectural integrity of its frontage composition and overall group value. Moreover, using the entrance at no.26 as the main way into no.24 would adversely interfere with the traditional way to access the building off the High Street.

18. There are elements of the scheme that would not be intrinsically harmful, such as the introduction of stud partitions to create a w/c and installation of a servery. However, the combination of the proposals would exacerbate the already brutal and detrimental impact of the extant shopfront at no.24. The opening into no.26 would cause further harm to its special interest and significance. Based on the evidence available to me including my own observations, the proposals would fail to preserve the special interest of the Grade II listed building. Conflict would therefore arise with sections 16(2) and 66(1) of the Act.
19. In terms of the CA, the WCAA identifies opportunities for beneficial change³, specifically referring to no.24 as an 18th century property that would benefit from repair work. The proposals would compound rather than rectify the unsympathetic proportions and detailing of the shopfront at no.24. Moreover, the proposed use of matching detailing and emphasis of the entrance to no.26 would cause the two properties to read as one. This would reduce legibility of the historic narrow plot width and traditional townscape along the High Street, that would fail to preserve or enhance the character or appearance of the CA as a whole. There would therefore also be conflict with section 72(1) of the Act.
20. In terms of the Framework, it follows that the proposals would cause harm to the significance of both the listed building and the CA as designated heritage assets. Given the relatively modest nature of the proposals, the degree of harm to the significance of each asset would be less than substantial. Paragraph 200 of the Framework states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. While paragraph 202 indicates that this harm should be weighed against the public benefits of the proposals including, where appropriate, securing the asset's optimum viable use.

Heritage balance

21. It has been drawn to my attention that the shop unit at no.24 has been vacant for a considerable period, which has not assisted its condition. The proposals would be likely to bring investment and regular maintenance to the fabric of the listed building by reinstating an active use as well as, potentially, vibrancy along High Street and the CA. Whilst I accept that risks of neglect and decay of heritage assets are best addressed through ensuring they remain in active use, that ought to be consistent with, rather than at the expense of, their heritage value.

22. Moreover, there would likely be economic and employment benefits associated with the expansion of the existing restaurant business, as well as those in the shorter term associated with the construction phase.
23. Bearing in mind the evidence that suggests the High Street has been struggling economically in general terms, the importance of these benefits is reinforced by the supportive comments of two ward members for Wincanton as well as Wincanton Town Council, all of whom are likely to have considerable familiarity with the area. Nevertheless, the level of supporting information provided by the Appellant fails to demonstrate a clear understanding or assessment of potential impact of the proposals on the significance of designated heritage assets. This causes me to doubt whether the nature of the proposals would be the most sensitive to ensure the assets would be conserved in a manner appropriate to their significance.
24. The lack of clear and convincing justification for the nature of the proposals further causes me to doubt whether the wider public benefits could be achieved without the harms identified. This tempers the weight afforded to public benefits of the proposal to a moderate level, even if they would secure an optimum viable use at no.24.
25. Balanced against this is the great weight⁴ carried by the less than substantial harm to each designated heritage asset. Hence, I find that the sum of public benefits would not be sufficient to outweigh the less than substantial harm to the significance of the designated heritage assets identified. Conflict therefore arises with the historic environment protection policies within the Framework.
26. I further find that there would be conflict with policies EQ2 and EQ3 of the LP, insofar as these require proposals achieve a high quality of design which promotes South Somerset's local distinctiveness and preserves or enhances the character and appearance of the district; and seeks to conserve, and where appropriate enhance heritage assets.

Other matters

27. Reference is made to planning permission⁵ having been granted to reduce the height of the shopfront at no.24. The drawing provided (numbered 2045-02B) refers to proposed alterations at 22 and 24 High Street, so it is not clearly shown how it relates to the appeal site, which inhibits a comparison with the schemes before me. Nevertheless, the limited information provided indicates a development that incorporates timber joinery and the retention of a main entrance door. Consequently, it is not demonstrated that the approved development is directly comparable to the appeal proposals, nor that corresponding listed building consent was obtained. Whilst I have credited it with limited favourable weight, it is not a matter that would lead me to a different view in relation to the main issues.
28. The appellant and some of the representations received are critical of the way the LPA handled the applications, and ultimately failed to make formal determinations. However, the behaviour of the LPA is not a matter that lies within the scope of my determination of the appeals, which have been decided on their merits.

⁴ Paragraph 199, National Planning Policy Framework

⁵ Reference 15/04548 relating to planning approval reference 13/04663/FUL, Appellant's response letter dated 2.3.23

Conclusions – both appeals

29. I have found that the works and development would conflict with the statutory provisions set out in the Act; the historic environment policies within the Framework; as well as the heritage and design policies in the development plan. There are not wider public benefits sufficient to outweigh the harms identified. In relation to Appeal A, material considerations do not indicate I should make a decision other than in accordance with the development plan.
30. Therefore, for the above reasons and having regard to all other matters raised, I conclude that Appeal A and Appeal B should be dismissed.

Helen O'Connor

INSPECTOR