
Appeal Decisions

Site visit made on 30 April 2018

by Alexander Walker MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2018

Appeal A Ref: APP/L3245/W/17/3189873

Sulemaan Khan, 36 Wyle Cop, Shrewsbury SY1 1XF

- 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 Cardtronics UK Ltd, trading as CASHZONE against the decision of Shropshire Council.
 - The application Ref 17/03807/FUL, dated 1 August 2017, was refused by notice dated 16 October 2017.
 - The development proposed is the installation of an automated teller machine.
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Appeal B Ref: APP/L3245/H/17/3189875

Sulemaan Khan, 36 Wyle Cop, Shrewsbury SY1 1XF

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Cardtronics UK Ltd, trading as CASHZONE against the decision of Shropshire Council.
 - The application Ref 17/03808/ADV, dated 1 August 2017, was refused by notice dated 16 October 2017.
 - The advertisement proposed is illuminated signage in connection with installation of ATM to front elevation.
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Decision

1. Appeal A and Appeal B are both dismissed.

Procedural Matter

2. The two appeals relate to the same appeal site and to each other. I have considered each proposal on its individual merits, but as they raise similar issues I have dealt with the cases in a single decision letter.
3. I have used the Council's description of the advertisements for Appeal B. This is more accurate and comprehensive than that set out in the application. I have determined the appeal on this basis.

Main Issue

4. The main issue in both appeals is whether the proposed development and advertisements preserve or enhance the character or appearance of the Shrewsbury Conservation Area.

Reasons

5. The appeal site is located within the Shrewsbury Conservation Area (the CA), which covers a large area of the town centre. This part of the CA comprises rows of period terraces typically with commercial units on the ground floor.

Many of these units have retained the traditional shop frontage design and proportions. The appeal site comprises a three-storey, mid terrace property with a commercial unit on the ground floor which has a traditional shop frontage. It is located within a row of similar commercial properties and fronts a busy road. Unlike many other shop frontages in the vicinity of the site, this one is symmetrical with a door either side of the central double paned window, which has three smaller panes above. Although the western door may serve a separate property it is clearly read as a singular frontage. Overall, the detailed frontage and its traditional proportions make an important contribution to the character and appearance of the CA.

6. The proposed ATM and associated signage would be installed within one half of the central double paned window. As a consequence, this would disrupt the symmetry of the frontage and the solid to window ratio. Moreover, the ATM and signage would be substantial in size and as a result would be a dominant feature in the shop frontage.
7. In addition, the proposals would utilise modern materials such as steel, silicone glazing and Perspex signage. The introduction of such materials onto what is otherwise a traditional timber and glass frontage would emphasise the incongruity of the ATM. This would be exacerbated by the illumination of the signage, which would draw attention to the ATM.
8. Overall, the resultant loss of a significant part of the glazing in the shop frontage and the visual dominance of the proposals would detract from the appearance of the area and undermine the contribution the shop front makes to the character and appearance of the CA.
9. Paragraph 134 of the National Planning Policy Framework (the 'Framework') confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposals, including securing its optimal viable use. The ATM would be a public benefit by providing cash to the community. However, whilst the harm to the significance of the CA would be less than substantial, I do not consider that the public benefit would outweigh this harm.
10. I find therefore that the ATM and signage would significantly harm the character and appearance of the area and fail to preserve or enhance the character or appearance of the CA, contrary to Policies CS6 and CS17 of the Shropshire Council Core Strategy 2011, which seek to ensure that development protects, conserves and enhances the built and historic environment. Furthermore, it would fail to accord with the design objectives of the Framework.

Other Matters

11. In my consideration of the proposals I have attributed considerable weight to the desirability of preserving the setting of nearby listed buildings – Nos 37, 38 and 39 Wyle Cop; No 48 Wyle Cop; 51 and 52 Wyle Cop; and The Lion and Pheasant Hotel. Given the separation distance between the proposals and the listed buildings and the scale of the proposals, I consider that they would have a neutral effect on their setting.

12. Although I am satisfied that, were I minded to allow the appeal, the illumination of the signage could be controlled through the use of an appropriately worded condition, I do not consider that this would mitigate the overall harm the proposals would have to the character and appearance of the area and the CA.

Conclusion

13. For the reasons given above, having regard to all matters raised, I conclude that Appeal A and Appeal B are dismissed.

Alexander Walker

INSPECTOR