



Appeal Decision

Site visit made on 14 May 2014

by K E Down MA (Oxon) MSc MRTPI MBS

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 June 2014

Appeal Ref: APP/L3245/A/14/2212231

Exchange Hotel, 1 Bellstone, Shrewsbury, SY1 1HU

- 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 Quintin Morgan against the decision of Shropshire Council.
 - The application Ref 13/02552/FUL, dated 28 June 2013, was refused by notice dated 12 September 2013.
 - The development proposed is formation of outside terrace incorporating a 1.1m high clear glazed screen and reinstatement of original door opening.
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Decision

1. The appeal is dismissed.

Main Issue

2. There is one main issue which is the effect of the proposed outside terrace and glazed screen on the character and appearance of the host building and surrounding area, including the Shrewsbury Conservation Area.

Reasons

3. The appeal site, known as Morgans, lies within the Shrewsbury Conservation Area (CA) and on the edge of the town centre. The immediate area is characterised by variety. Buildings range from much older dwellings and small commercial and retail premises on minor roads such as St John's Hill and other nearby streets, through early 20th century buildings such as the appeal site and its neighbours on Bellstone, a main thoroughfare and secondary shopping street, to large post-war commercial and retail buildings, including the prominent Market Hall opposite the appeal site. At the time of my site visit, a weekday morning, the area appeared busy without being crowded, with traffic and pedestrians passing regularly but not in a continuous stream.
 4. Morgans, is an attractive, three storey, red brick and stone building, with a number of decorative features. It occupies a prominent corner location at the junction of Shoplatch, Bellstone and St John's Hill. It is set back from the carriageway edge behind a wide footway. In 2009 planning permission was granted for the change of use of the public pavement in front of Morgans to a seating area. The development has been implemented and the evidence shows that tables and chairs are regularly placed outside the building. At the time of
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my site visit there were a small number of tables close to the building. Photographic evidence shows that at times the area occupied by tables is larger and temporary barriers have been used to segregate this area from the rest of the footway.

5. I saw that this type of informal pavement seating is not uncommon in the vicinity, with a number of cafes and bars having from one or two small outside tables to a larger segregated seating area. It is clear from the evidence that this outside seating has been supported in Shrewsbury and is perceived to make a positive contribution to the "café culture" and wider tourism strategy in the town.
6. The appeal proposal is to create a more permanent seating area on a raised terrace and behind a clear glazed screen some 1.1m high. The terrace would be partly open to and flush with the footway at the southern end but would increase in height to the north to create a level platform over the gently sloping footway. Existing awnings would project approximately to the edge of the terrace, some 2.7m from the building façade. The proposed terrace would occupy a smaller area than the currently permitted seating area, allowing no less than 2m of clear footway between it and the carriageway edge.
7. When well used the terrace would add to the vibrancy of the street scene in this edge of centre location and would have little more effect on the character or appearance of the host building or the Shrewsbury CA than the existing permitted seating, since the main focus would be the activity of people using the terrace. In my view the segregation between people on the terrace and those in the street would not be materially different from that created using temporary barriers and would thus have no greater effect on the character of the area than the existing situation.
8. Nevertheless, at other times when there was little or no activity on the terrace, for example during inclement weather or at times of year when visitor numbers are lower, the situation would be significantly different and the terrace would look oddly out of place. Its projection in front of the main façade would draw attention away from the building as a whole and visually clutter the footway with a structure that appeared incongruous in the street scene and somewhat pointless. I accept that the screen would be clear-glazed and fairly low. Nevertheless, it would be readily visible and would break up the visual impression of the building, which although not listed makes a positive contribution to the CA.
9. The appellant argues that the design and materials would be of a high quality and has drawn my attention to similar terraces in a city centre. However, these are within a busy, modern, pedestrianised shopping area and appear to have been part of the original design. They are located in an area with noticeably greater scale, limiting their relative projection into what is read as the public realm. Whilst similar in appearance to the proposed structure I do not therefore consider that they are readily comparable.
10. On balance, the creation of a permanent terrace to the front of the appeal building would therefore materially detract from its character and appearance and that of the surrounding area and would fail to preserve or enhance the character or appearance of the Shrewsbury CA, a designated heritage asset.

11. The National Planning Policy Framework (NPPF) states that where a proposal would lead to less than substantial harm to a designated heritage asset, which I consider would be the case, the harm should be weighed against the public benefits of the proposal. Three potential benefits have been drawn to my attention. Firstly, the proposal includes the reinstatement of the original front door to the appeal building. This is currently a window although the decorative head above the opening remains. The door would be accessed from the terrace. The Council does not dispute that this element of the proposal would enhance the appearance of the building and the CA. I have no reason to take a contrary view. However, the door could be reinstated without the addition of the terrace and, arguably, would then have a greater positive impact since it would be more readily visible.
12. Secondly, the terrace would provide a level route from the footway to the reinstated door and would thus provide a permanent disabled access to the building which it currently lacks. This is a clear benefit which has drawn support from a number of third parties. However, whilst the appellant argues that the terrace would be aesthetically more pleasing than a concrete ramp I have no evidence that these are the only available options. The advantages of the disabled access would not therefore outweigh the visual detriment of the proposed terrace.
13. Thirdly, the terrace would support the “café culture” of Shrewsbury and help to attract visitors to the town centre which would have a positive effect on tourism. I note that the Town Council supports the proposal for this reason. However, it is not clear that a permanent terrace would attract more customers or have a greater effect on tourism and the vibrancy of the town centre than the existing, more informal arrangement, which has the advantage of being flexible and hence able to respond to demand, including higher demand since it covers a larger area than the proposed terrace. It is further suggested that the existing arrangement, with temporary screens over a sloping footway, is less in keeping with the building and more disjointed than the proposed terrace. However, the slope on the footway is not so great and I am satisfied that temporary barriers need not appear unduly untidy, such as to detract from the appearance of the building.
14. Overall, whilst the proposed development would bring about clear benefits, there is no evidence that these could only be achieved through the construction of a permanent terrace. I therefore find that the public advantages of the scheme would not outweigh the harm to the heritage asset, the conservation of which should, in accordance with the NPPF, be given great weight.
15. It is concluded on the main issue that the proposed outside terrace and glazed screen would appear incongruous on the open street corner, to the detriment of the character of the street scene, and would detract from the appearance of the appeal building. In consequence the development would fail to preserve or enhance the character and appearance of the Shrewsbury CA. This would be contrary to Policies CS6 and CS17 of the Shropshire Local Development Framework: Adopted Core Strategy, 2011, which taken together expect new developments to create sustainable places, designed to a high quality to achieve an environment which, amongst other things, enhances local distinctiveness, is appropriate in scale and design, taking into account local

context and character, and protects, preserves and enhances heritage assets in the built and historic environment.

16. Turning to other matters, objections to the proposal have been received from local residents who are concerned about noise and disturbance from people using the terrace late in the evenings. It is suggested that conditions limiting the use of the permitted outside seating area are currently not adhered to. However, the proposed permanent seating area would, subject to similar restrictions being applied, have no greater potential to effect the living conditions of nearby residents than the existing arrangement. If planning conditions are not adhered to then they could be enforced. This issue would not therefore amount to a reason to resist the development.
17. Third parties also suggest that the loss of the footway would be detrimental to the safe and convenient movement of pedestrians. I note that the Highway Authority has raised no objection to the proposals, subject to the area beneath the terrace being "stopped up" through an appropriate Order. The footway would remain a minimum of 2m wide which is in my view sufficient in this location. Moreover, the existing permission for an outside seating area allows a greater part of the footway to be occupied than is now applied for.
18. New Planning Guidance was published on-line on 6 March 2014 and applies from that date. The content of the guidance has been considered but I am satisfied that it does not affect my conclusions in this case.
19. Nothing I have seen or read alters or outweighs my findings on the main issue. Therefore, for the reasons set out above and having regard to all other matters raised, including that the footway in front of Morgans was historically part of the curtilage of the building and that the proposed terrace would support the functions of the business, I conclude that the appeal should be dismissed.

Karen Down
INSPECTOR