



## Appeal decision

Site visit made on 17 October 2011

**by Mike Croft MA DipTP MRTPI**

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

**Decision date: 27 October 2011**

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### **Appeal ref APP/B3030/A/11/2156924**

#### **The Raj, 2 Harcourt Street, Newark, NG24 1RF**

- 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 Amin Uddin against the decision of Newark and Sherwood District Council.
  - The application (ref 10/01240/FUL), dated 9 September 2010, was refused by notice dated 20 January 2011.
  - The development proposed is an alteration to the shop front to both the Harcourt Street and the Barnby Gate elevations, including the application of ceramic tiles, the installation of a coloured aluminium shop window, the installation of a pair of painted timber pilasters beneath the existing consoles at the ends of the fascia sign, and the installation of an internally illuminated box sign.
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### **Decision**

1. I allow the appeal and grant planning permission for the application of ceramic tiles, the installation of a coloured aluminium shop window, and the installation of a pair of painted timber pilasters beneath the existing consoles at the ends of the fascia sign, at The Raj, 2 Harcourt Street, Newark, NG24 1RF, in accordance with the terms of the application ref 10/01240/FUL, dated 9 September 2010, subject to the following conditions:
  1. The development hereby permitted shall be carried out in accordance with drawing 781/01A.
  2. Within six months of the date of this decision the new pilasters hereby permitted and the new tiles hereby permitted shall have been installed.

### **Preliminary matters**

2. Although, as indicated above, the scope of this appeal includes the installation of an internally illuminated box sign, the position is that even in allowing this appeal I am unable to grant consent for the sign under the relevant legislative provisions – the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 – because the appeal was made under different powers. I note that, in fact, the Council has granted advertisement consent separately for the sign. So I say nothing further about it, excluding it from the scope of the permission I grant above.

3. The drawing that I refer to in condition 1 above is an amended drawing. The Council determined the appeal application on the basis of that drawing, and I do the same.

### **Inspector's reasons**

4. The background to this case is that a replacement shopfront has been installed here without planning permission, and the proposal before me is a modification of that replacement. The main issue is whether the shopfront, as so modified, would harm the appearance of the appeal property and its surroundings.
5. The Council regards the former, now replaced, shopfront as a modern 20<sup>th</sup> century version of a Victorian shopfront. It says it was of merit and capable of having been a heritage asset as defined by Planning Policy Statement (PPS) 5, "*Planning for the Historic Environment*" (2010). Judging from the photographs supplied, however, I am less sure of the merits of the previous shopfront, and the Council do not substantiate that it was a valued component of the historic environment in the way put forward by PPS 5.
6. The Council's main objection to what exists now is the replacement shopfront's large black "sparkly" tiles, which it considers to be garish and out of keeping with the building and its surroundings. The sparkle comes from small elements near the surface of the tiles. I agree that there is something of an out-of-character element. The Council accepts that one of the elements in the modification now proposed, the installation of two pilasters – one on the Harcourt Street frontage and one on the Barnby Gate frontage – constitutes an improvement to what exists now. I agree that the pilasters would help to restore a vertical emphasis as well as being important elements in their own right.
7. The other element of modification now proposed is the introduction of two vertical columns of a different kind of tile, one on each side of the shop's door. The Council considers that these different tiles, with the pilasters, are insufficient to make the overall shopfront design acceptable. I disagree: in combination, they would re-introduce vertical emphases, reduce the amount of visible sparkly tiles, and help to draw the eye away from the latter.
8. I am therefore led to the view that what is now proposed is acceptable in terms of the main issue. Also leading me very much to that view is what I saw of window and door design in the immediate vicinity, around the crossroads where the appeal property is located: this may be a reflection of previous, different policy backgrounds, but modern forms with considerable use of uPVC were very evident indeed.
9. I do not therefore consider that the appeal project can be said to be in conflict with what is now the relevant development plan policy, policy CP9 of the Newark and Sherwood Core Strategy, adopted in March 2011 (the previously relevant policies of the Newark and Sherwood Local Plan having now been superseded).
10. So the appeal project succeeds on the main issue and nothing outweighs that. The Council suggest two conditions in the event of permission being granted. My condition 1 is the equivalent of the Council's about materials being in accordance with the application. I do not impose a condition about

the commencement of development, as the development applied for has already commenced. Instead, I impose a condition (condition 2) designed to achieve reasonably speedy implementation of the proposed improvements to the appeal property's shopfront.

*Mike Croft*

Inspector