The Planning Inspectorate

Room 3K
Temple Quay House
2 The Square
Bristol
BS1 6PN

Direct Line: 0303 444 5418
Customer Services:
0303 444 5000

Email: West3@planninginspectorate.gov.uk
www.gov.uk/planning-inspectorate

Development Services
Wiltshire Council
Development Services
County Hall
Trowbridge
BA14 8JF

Your Ref: PL/2023/05160
Our Ref: APP/Y3940/W/23/3330602

29 February 2024

Dear Sir/Madam,

Town and Country Planning Act 1990
Appeal by B Shawani
Site Address: 1A Wicker Hill, Trowbridge, Wiltshire , BA14 8JS

I enclose a copy of our Inspector's decision on the above appeal(s).

If you have queries or feedback about the decision or the way we handled the appeal(s), you should submit them using our "Feedback" webpage at https://www.gov.uk/government/organisations/planning-inspectorate/about/complaints-procedure.

If you do not have internet access please write to the Customer Quality Unit at the address above.

If you would prefer hard copies of our information on the right to challenge and our feedback procedure, please contact our Customer Service Team on 0303 444 5000.

Please note the Planning Inspectorate is not the administering body for High Court challenges. If you would like more information on the strictly enforced deadlines for challenging, or a copy of the forms for lodging a challenge, please contact the Administrative Court on 020 7947 6655.

The Planning Inspectorate cannot change or revoke the outcome in the attached decision. If you want to alter the outcome you should consider obtaining legal advice as only the High Court can quash this decision.

We are continually seeking ways to improve the quality of service we provide to our customers. As part of this commitment we are seeking feedback from those who use our service. It would be appreciated if you could take some time to complete this short survey, which should take no more than a few minutes complete:

https://www.surveymonkey.co.uk/r/Planning_inspectorate_customer_survey

Thank you in advance for taking the time to provide us with valuable feedback.

Yours sincerely,

Mike Lloyd
Mike Lloyd

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Where applicable, you can use the internet to submit documents, to see information and to check the progress of cases through GOV.UK. The address of the search page is - https://www.gov.uk/appeal-planning-inspectorate

The Planning Inspectorate

Appeal Decision

Site visit made on 20 February 2024

by O Marigold BSc DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 February 2024

Appeal Ref: APP/Y3940/W/23/3330602
1A Wicker Hill, Trowbridge, Wiltshire BA14 8JS

- 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 B Shawani against the decision of Wiltshire Council.
- The application Ref PL/2023/05160, dated 27 June 2023, was refused by notice dated 21 August 2023.
- The development is described as 'retention of shop canopy and shutters, including proposed artwork on shutters (updated submission following PL/2022/07086)'.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The shop canopy and shutters are already in place. However, the application seeks to include new artwork on the shutters. These were open when I visited but I have seen photographic evidence of the shutters when closed. The information before me suggests that the proposed artwork has not yet been applied. I have therefore treated the application and appeal as being for a proposal.

3. Since the appeal was submitted, a revised National Planning Policy Framework (the Framework) has been published. The parties have had the opportunity to comment on this change and I have reached my decision using the most up-to-date version of the Framework.

Main Issue

4. The appeal site lies within the Trowbridge Conservation Area (CA) and adjacent to the Town Bridge and the Former Lock Up, both Grade II listed buildings. The main issue is the effect of the proposal on the character and appearance of the area, including on the CA and on the settings of the listed buildings.

Reasons

5. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that I have special regard to the desirability of preserving the listed buildings and their settings, or any features of special architectural or historic interest. Section 72 of the same Act requires that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA.

6. The Town Bridge is a three-arched stone bridge over the River Biss, and dates from 1777. The Former Lock Up was used as such until the erection of the first

Police Station in the town. It is a single storey square stone block, with dome and finial, and dates from around 1757. In the context of this appeal, the significance of the listed buildings is their age and attractive historic appearance.

7. The CA encompasses prestigious commercial and civic buildings, some Georgian, reflecting the historic role of the town centre. Buildings within the CA are predominantly of stone, with some brick. Relevant to this appeal, the significance of the CA is the age and the attractive architectural appearance of its buildings and street scenes. However, the appeal site is an exception, forming part of a post-war building, that has a ground floor modern shopfront, a largely blank façade above, and a squat, flat-roofed profile. As such, the appeal building makes a negative contribution to the CA and to the setting of the listed buildings.

8. The proposal seeks retrospective approval of the canopy and shutters, which form an enclosed structure attached to and protruding from the shopfront. During trading hours, it provides a partially covered area for the sale of goods and produce, providing some interest and dynamism to the street.

9. Nevertheless, the canopy and its structure have a stark, quasi-industrial design that is alien to its largely attractive surroundings, including the CA and the setting of the listed buildings. In addition, the galvanised steel finish of the proposal contrasts sharply with the more traditional external materials used in nearby buildings. The harmful visual effects of the structure are even greater when the shutters are closed, for example at night, because of the solid, dead frontage that they create.

10. The proposal seeks to mitigate these effects by applying artwork to the shutters, in the form of murals undertaken by a local artist of historic parts of Trowbridge (including the Town Bridge and Former Lock Up). I do not doubt that the artwork would provide a degree of visual interest to the appearance of the shutters when closed.

11. Nevertheless, I am concerned that its appearance would become degraded and tatty over time. This would be caused by the regular opening and closing of the shutters, as well as from weathering, aging and vandalism, and would cause further visual harm. In any case, the artwork would not change the fundamentally utilitarian shape and design of the structure. The artwork would not therefore overcome the harm that would be caused by the retention of the structure.

12. For these reasons, the proposal would detract from the positive, attractive elements of its surroundings and would make the negative appearance of the host building even worse. Accordingly, I conclude that the proposal would harm the character and appearance of the CA as a whole, and the settings of the Town Bridge and the Former Lock Up, thus failing to preserve them.

13. For these reasons, the proposal would conflict with policies CP57 and CP58 of the Wiltshire Core Strategy, adopted January 2015, which amongst other things require the conservation of the historic environment and a high standard of design, as does the Framework. Bearing in mind the statutory requirements already referred to, and Framework Paragraph 205, I give great weight to this harm.

Planning Balance and Conclusion

14. In the language of the Framework, the harm to the heritage assets would be less than substantial. Weighed against this, the additional space created has economic benefits to the business and its employees in providing additional space to sell goods to a diverse population. It also protects produce for sale and avoids the need to clear away the area at night.

15. However, these are essentially private, commercial advantages, with limited public benefits. In any case, the rest of the shop unit, with its large front windows, would still be available for retail use. As such, I give the benefits of the proposal only moderate weight. They would not therefore outweigh the less than substantial harm to the character and appearance of the CA, or the settings of the Town Bridge and the Former Lock Up.

16. For the reasons given, there would be conflict with the Development Plan, read as a whole. No material considerations have been shown to have sufficient weight to warrant a decision other than in accordance with it. I therefore conclude that the appeal should be dismissed.

O Marigold

INSPECTOR