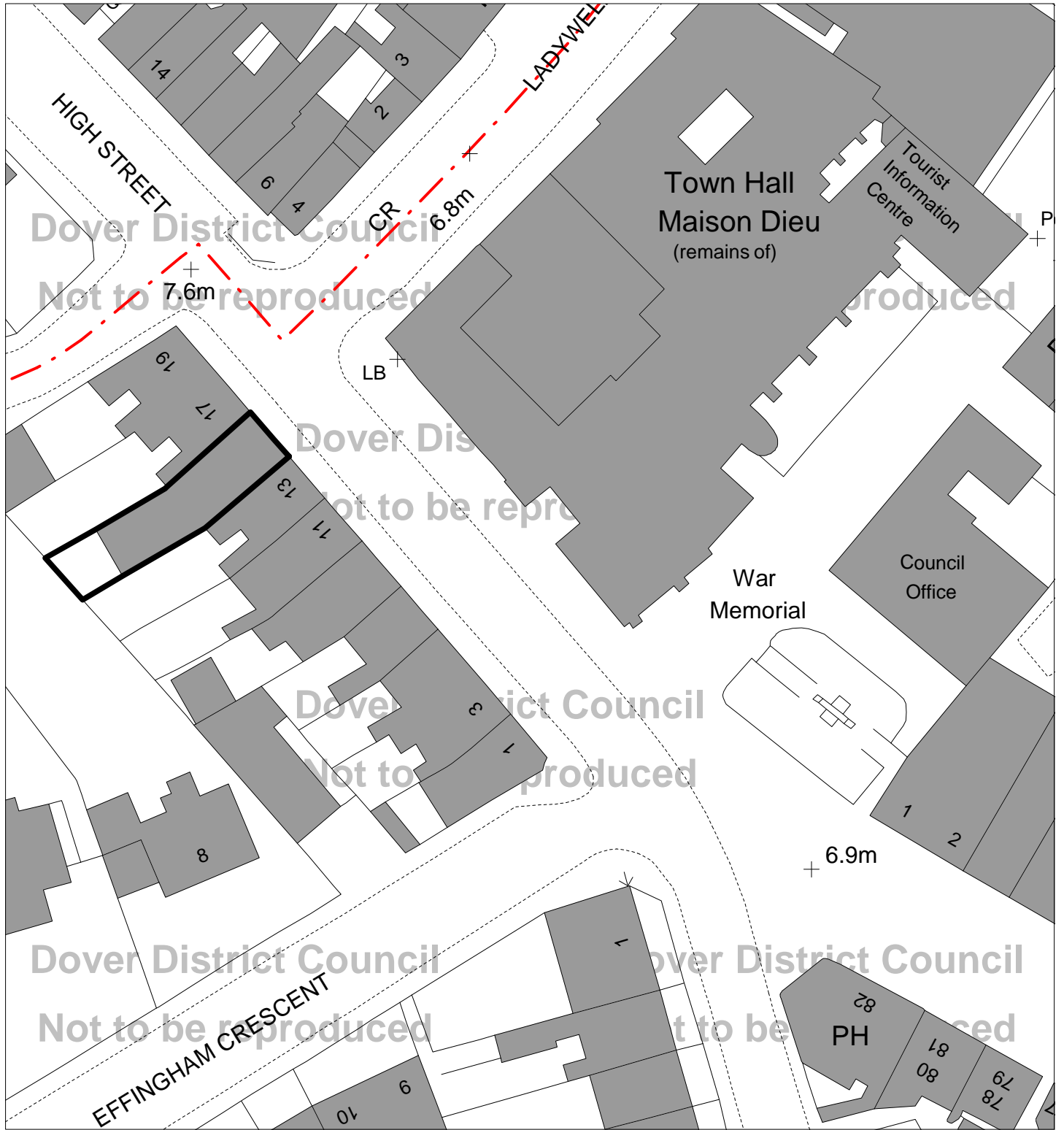


This plan has been produced for Planning Committee purposes only. No further copies may be made.



**Not to scale**

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.

Dover District Council Licence Number 100019780 published 2015

**Note:** This plan is provided for purposes of site identification only.

**Application: DOV/15/756, 757 and 760**

**15 High Street**

**Dover**

**TR31574172**



- a) **DOV/15/00756 – Retrospective application for the installation of a replacement shop frontage – 15 High Street, Dover**

**DOV/15/00757 – Retrospective application for the display of one non-illuminated fascia sign – 15 High Street, Dover**

**DOV/15/00760 – Retrospective listed building application for the installation of a replacement shop frontage – 15 High Street, Dover**

Reason for Report: number of representations received in support of the applications

b) **Summary of Recommendation**

Planning permission (DOV/15/00756) for the shop front be refused.  
Advertisement Consent (DOV/15/00757) for the signage be refused.  
Listed Building Consent (DOV/15/00760) for the shop front be refused.

c) **Planning Policy and Guidance**

Primary Legislation

- Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires local planning authorities will have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the same Act, also requires the Local Planning Authority to pay special attention to the desirability of preserving or enhancing the character and appearance of conservation areas.

Dover District Core Strategy 2010

- The Local Development Framework, Core Strategy (2010), sets out policies and objectives for shaping development in the District, This includes the objective to 'Ensure the intrinsic quality of the historic environment is protected and enhanced and that these assets are used positively to support regeneration, especially in Dover'.
- DM20 – Permission for new shop fronts and alterations to existing shop fronts will only be given if the proposals respect the composition, materials and detailed design of the building and the context provided by the street in which they are located.
- DM21 – Permission for external security shutters and grilles on shop fronts and other commercial buildings will not be granted if they would detract from the character and appearance of the building or the area in which they would be located.

National Planning Policy Framework (NPPF)

- The NPPF sets out a presumption in favour of sustainable development. There are three dimensions to sustainable development: economic, social and environmental. These should not be taken in isolation, because they are mutually dependent. So development that fails to give due weight to protecting the historic environment, is not sustainable development.

- The NPPF also stresses that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a listed building, 'great weight' should be given to the asset's conservation. As heritage assets are irreplaceable, any harm or loss requires 'clear and convincing justification'.
- Section 134 of the NPPF states that “where a development will 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 proposal”.
- Section 137 of the NPPF states that “LPAs should look for opportunities for new development within Conservation Areas... and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution... should be treated favourably”.

#### Dover District Heritage Strategy

- This document outlines the suggested approach to dealing with Conservation Areas, Listed Buildings and Scheduled Ancient Monuments in the Dover District.
- Section 12.125 “Setting” specifically refers to changes to sites which affect the setting of listed buildings.

#### The Kent Design Guide

- This states that ‘the restoration, modification or extension of any building requires a sympathetic approach and this is particularly the case with heritage areas including historic buildings and townscape. Even a seemingly minor alteration can be damaging to an individual building or group’.
- It also states that new uses within existing town centres should be designed to reflect its local context.

#### Other considerations

Shop Fronts and Signage within Conservation Areas SPD

#### **d) Relevant Planning History**

Enforcement Case: DOV/15/00076 – Unauthorised alteration of traditionally designed shop front and replacement with an inappropriate modern metal shop front with inappropriate signage – under investigation and the subject of these current applications

Planning Case:

DOV/97/01098 – Permission was granted (PP and LBC) for a new replacement shop front designed in a traditional design and of timber construction.

There are other applications relating to the application site. However these have not been included within in this list as they are not considered to be material to the determination of the current application.

#### **e) Consultees and Third Party Responses**

- Dover Town Council  
Strongly object as this application does not comply with DDC planning documentation on shop fronts and signage within conservation area

- DDC Conservation Officer  
Objects to the operational development on the site: The temporary waiting area/structure: It is considered that this structure would appear as an incongruous feature, in a sensitive location close to a number of heritage assets and within the Dover Castle Conservation Area and would detract from the character and appearance of the conservation area and on the setting of the adjoining listed buildings. He feels that whilst the harm caused is 'less than substantial', there would need to be a wider public benefit to the proposal which could justify the harm to the character and setting of the conservation area and the adjacent listed buildings. The jobs involved with this development are important but we have a statutory duty to protect the historic environment.
- Public Representations:  
21 letters of support have been received (the last of these being a petition with 291 signatures); the material comments are summarized as follows:
  - fits in well with surrounding buildings
  - well designed; fresh, tasteful, bright, open, clean, tidy
  - no effect on heritage value of surrounding buildings

f) **1. The Site and the proposals**

- 1.1 15 High Street is a terraced property with a ground floor commercial unit on the west side of High Street. It is grade II listed along with the rest of the terrace and is located within the Dover College Conservation Area. It is located directly opposite Maison Dieu, a grade II\* listed building.
- 1.2 There have been various shop front alterations in this terrace and to this building over a number of years. The previous shop front (permitted in 1997) and which has been removed without consent or planning permission was designed in a traditional manner which respected the age of the host building.
- 1.3 The proposals currently before us are three retrospective applications for the replacement of the shop front with a modern metal framed shop front with a single large window, roller security shutters and a non-illuminated fascia sign.

**2. Main Issues**

- 2.1 Impact of the unauthorised alterations on the listed host building, the surrounding listed buildings and the conservation area.

**3. Assessment**

Impact on the listed buildings and conservation area

- 3.1 When assessing the impact of a proposed development or change of use on a listed building or the setting of listed buildings, there is a statutory duty imposed by section Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that local planning authorities will have special regard to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 refers to the need

to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.

- 3.2 The current previous use of the land was class A1 (Shops) and remains as such. There is no change of use proposed
- 3.3 As three applications are being discussed in this report, it would seem more efficient to deal with the parallel planning and listed building applications first and then look at the signage application.

### Shop Front

- 3.4 The replacement shop front is formed of a single large window with a fully glazed door. There is little in the way of an upstand at the bottom of the window and the glazing runs to the underside of the fascia, which has been slightly lowered to allow for the housing for the security roller shutter.
- 3.5 The shop front which was removed was of a traditional design; the fenestration was in three sections above an upstand and the door, also of a traditional design, was inset off of the main public pavement. This is what is generally considered an acceptable design on an historic building or a building within a conservation area. The current shop front does not reflect the historic nature of this listed building nor does traditional materials or building techniques been used.
- 3.6 DM21 of the Core Strategy seeks to ensure that any new or altered shop fronts contribute to the character of the area in which they are located and respect the character of the building of which they form part. These buildings were built in the mid-19<sup>th</sup> century and any alterations to these buildings should reflect this age and be appropriate to a mid-Victorian building. This does not mean that there is no place for modern design, but it does mean that aspects of materials, scale, massing and plan form need to be addressed in a sensitive way.
- 3.7 It is considered that this has not been achieved with the replacement shop fronts and the current design as proposed and already in situ would harm the historic character of a grade II listed building and would have a negative impact on the surrounding listed buildings as well as on the character and appearance of the conservation area. It has led to the loss of some traditional features such as the corbels to either side of the shop and the loss of the blind box, cornice and other features present in the previous shop front.
- 3.8 The harm caused is considered to be less than substantial as no historic fabric was removed, only a modern (but traditionally designed) shop front. It is therefore necessary to determine if the public benefit of this development would outweigh the less than substantial harm caused. Whilst it provides a slightly brighter, lighter interior to the nail shop, and the layout and openness works with their business plan, there is no evidence to suggest that the nail shop would not have the same turnover were the shop front to be of a more sympathetic design or that this form of alteration is the only option for bringing a disused heritage asset back into use. It is considered then that there is no public benefit which would outweigh the harm caused by this development to the heritage asset.
- 3.9 The proposal also includes a roller security shutter. It is a black painted mesh and significantly blocks views into the shop when closed.

- 3.10 DM21 of the Core Strategy aims to avoid any security shutters or grilles on shop fronts which would detract from the character and appearance of the building or the area in which it is located. It is considered that this shutter does harm the character and appearance of the area and the host building.
- 3.11 It also runs contrary to current town planning theory which would suggest open shop fronts keep a more active street frontage which in turn, can help reduce crime and makes an area more attractive to pedestrians at more times of the day. As this property is in a prime location, and opposite a public building which often has evening functions, this point is a consideration in this matter.
- 3.12 There are a number of options in modern glazing which given more than adequate security if this is considered to be of significance and these options should be explored. An alternative security measure could be to provide internal security shutters (to a suitable finish and design) inside the windows and doorway. The current shutter causes harm to the historic character of this listed building and to the neighbouring listed buildings and harms the character and appearance of the surrounding conservation area.
- 3.13 The harm caused is less than substantial but as before, there is no public benefit to this development; quite the opposite in reality and therefore no justification to warrant the harm caused.

#### Signage

- 3.14 Painted timber signage can be considered acceptable on listed buildings and within conservation areas. However, the overall size of this signage is not in keeping with the surrounding buildings and obscures the historic fascia of this property.
- 3.15 Whilst, when measured vertically, the other signs in this terrace are of the same size, they are divided into two; one part (main sign) on the fascia, and a lower section at the top of the shop front which clearly delineates the historic fascia and generally angling out over the pavement. This is an important feature of any period shop front and should be retained.
- 3.16 This sign could be re-worked to fit the historic context without compromising on the information provided however the font sizes would need to be more balanced and the historic fascia would need to be highlighted.
- 3.17 Whilst the harm caused to the listed building and conservation area would be "less than substantial", there is again no public benefit to this design of signage which would justify the harm caused.

#### Impact on the amenity of neighbouring properties

- 3.18 None of the three applications would have any impact on the amenity of neighbouring properties as the alteration is at ground level and does not involve a change of use.

#### Conclusions

- 3.19 The unauthorised shop front, whilst of quality materials and a good design, has been added to a building for which it is inappropriate. The design, proportions

and materiality is inconsistent with an historic building or with the conservation area in which it is located.

3.20 The roller security shutter is not an appropriate security measure for a listed building or within a conservation area and runs contrary to local and national policy and guidance.

3.21 The signage, whilst acceptable in the basic materials, has not respected the proportions of the shop front and has obscured the historic fascia.

**g) Recommendation**

I Planning Permission (DOV/15/00756) BE REFUSED for the following reasons:

i) The unauthorised development causes less than substantial harm to the historic character of a grade 2 listed building and causes an incongruous and inappropriate effect upon the setting of a number of designated heritage assets and, by virtue of the design and location, would detract from the character and appearance of this part of the Dover College Conservation Area. This would be contrary to Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, DM20, DM21 and Objective 3.2.10 of the DDC Core Strategy, the Core Principles and Section 12 of the NPPF, statement 12.125 of the Dover District Heritage Strategy and Section 1.3 of the Kent Design Guide.

II Listed Building Consent (DOV/15/00760) BE REFUSED for the following reasons:

i) The unauthorised shop front, by virtue of its design, scale, bulk, massing and materials, would not represent a sympathetic addition to the listed building, but rather constitute an incongruous addition which would detract from the special historic and architectural character and appearance of the listed building to its detriment and to the detriment of the setting of other listed buildings and to the character and appearance of the Dover College Conservation Area and would be contrary to Government guidance contained within the NPPF.

III Advertisement Consent (DOV/15/00757) BE REFUSED for the following reasons:

i) The design of the unauthorised signage, through the blurring of the lines of the historic fascia and the proportions of the lettering and signage backboard, does not represent a sympathetic addition to a listed building or to the character and appearance of the setting of listed buildings or of the Dover College Conservation Area but rather constitute an incongruous addition which detracts from the special historic character of this grade II listed building and would be contrary to government guidance contained within the NPPF and NPPG.

IV Powers be delegated to the Head of Regeneration and Development to determine the expediency of taking any further enforcement action as may be deemed necessary.

Case Officer

Andrew Wallace