

PLANNING INSPECTORATE APPEAL DECISIONS		
20188034A	2-4 HUMBERSTONE GATE & 1-3 HAYMARKET	
Proposal:	INSTALLATION OF SHOPFRONT AND ATM; EXTERNAL ALTERATIONS (CLASS A2)	
Appellant:	METRO BANK PLC	
Appeal type:	Planning Appeal	
Appeal received:	11 May 2018	
Appeal decision:	Allowed	
Appeal dec date:	8 April 2019	
TEI	AREA: C	WARD: Castle



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Summary

- An application for the installation of a shopfront and ATM and for external alterations was refused in August 2017.
- The appeal was by an informal hearing held in March 2019.
- The appeal was allowed.

Location and Site Description

The application related to the ground and first floor of the south west corner of the Haymarket Shopping Centre. The site sits outside the High Street Conservation Area but is set 20 metres away from the Grade II listed Clock Tower affecting its setting.

Clarks shoe shop currently occupies the ground and first floors.

The Proposal

The proposal was for a two storey height clear glazed shopfront on both the south and west elevations of the building and for the first floor part of the corner to be built out so that it would be in line with the ground floor. The existing canopy would be removed from this corner of the building. The public door would be to the western elevation and an ancillary door to the south elevation. One ATM would be added to each elevation.

The application was refused on three grounds including that its design, scale and position would be out of keeping with and harm the character and appearance of the area, would disrupt the symmetry, articulation and general uniformity of the building and its visual integrity and architectural merit and would have an overly dominant impact on the setting of the Grade II listed Clock Tower harming its special significance.

The Appeal Decision

The appeal was allowed.

Commentary

The appeal decision clarified that the appellant could occupy the building under Part 3, Class D of Schedule 2 of the General Permitted Development Order 2015 (as amended) and that the appeal relates solely to the works that required planning permission.

The inspector observed that the horizontal emphasis was a striking feature of the building and added to a sense of uniformity in the elevations. She added that the first floor no longer had an active frontage.

She concluded that the appearance of the corner would be significantly altered and despite the appellant's argument that the fascia bands would retain the horizontal emphasis agreed with the Council's view that these would be a much weaker horizontal feature.

She also agreed with the Council's view that the proposal would be out of keeping with the single storey height shopfronts that characterised the area and concluded that there would be some harm to the nearby area.

She also agreed that the proposal would detract from the uniformity of the building and disrupt its visual integrity and architectural merit. She added that it would not be in proportion with the lines of the facades of which the proposal formed a part and concluded that the proposal would harm the character and appearance of the building.

In respect of the impact of the proposal on the setting of listed Clock Tower the inspector concluded that it would disrupt the uniformity of the west elevation which competes less with the Clock Tower than would the proposed double height shop front and would distract the eye from the Clock Tower resulting in minor harm to its setting.

However, the inspector added that a modern, transparent and open shopfront would be appropriate in a central shopping core location and would not be so over dominant

in its context as to be inappropriate. She also added that it would help promote the image of Leicester as a modern city and provide an active frontage which could promote public safety and that the removal of the canopy would open up some views of the Clock Tower and the Clock Tower would in any case be visible through the glazing.

The inspector reported how the appellant indicated that there would be no possible design solution that would work for the appellant within the limitations of the existing balcony and canopy arrangements and how she saw no reason to doubt this.

She saw no reason to suppose that the appeal site would remain vacant for any significant period of time. Nevertheless, she considered that the public benefits of the occupancy of the site by the appellant would outweigh the harm caused by the proposed development. She listed the public benefits as an update and visual uplift of this corner of the shopping core, an active use of the first floor, an ongoing commitment by way of a 25 year lease on the property, the provision of an alternative banking facility, 25 jobs and training opportunities and encouraging town centre footfall and promoting safety and security in the area.