



Appeal Decision

Site visit made on 24 October 2023

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd November 2023

Appeal Ref: APP/G4240/Z/23/3321112

128-130 Market Street, Hyde, Tameside SK14 1EX

- 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 Patrick Kenny against the decision of Tameside Metropolitan Borough Council.
 - The application Ref 22/00564/FUL, dated 25 May 2022, was refused by notice dated 2 March 2023.
 - The development proposed is a new shop front and construction of windows in side elevation.
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Decision

1. The appeal is allowed and planning permission is granted for a new shop front and construction of windows in side elevation at 128-130 Market Street, Hyde, Tameside SK14 1EX in accordance with the terms of the application, Ref 22/00564/FUL, dated 25 May 2022, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: MS-001 001 Rev C, MS-001 003 Rev C, MS-001 004 Rev A and MS-001 005 Rev C.

Preliminary Matters

2. The proposed development, with regard to the new shop front, has commenced, however, the cladding below fascia level is not black as shown on the appeal plans. In addition, the installation of the windows in the side elevation has not been carried out and two windows are in place on the rear elevation at first floor whereas the appeal plans show only one. I have therefore assessed the scheme as 'proposed' development as shown on the plans.
3. The description of development given above is taken from the Decision Notice. This reflects amendments that were made to the scheme at application stage and the application was determined on this basis. The word, 'retrospective', has been omitted as it does not describe an act of development.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the host building and the area.

Reasons

5. The appeal site is located on Market Street, a main road within Hyde town centre. Market Street contains a large number of retail and commercial uses at ground floor and some residential uses above. The shop frontage designs along Market Street greatly vary, some retaining traditional shop fronts, but many others have been the subject of alterations.
6. Prior to the commencement of the alterations to the building, the shop front did not have a traditional appearance. It had a central recessed door and signage above giving a horizontal emphasis to the display windows either side of the door. It did not include stallrisers and if there were transom windows they were hidden by an advertisement. As such, and in the absence of any substantive evidence to the contrary, I find that it did not have any noteworthy historic value or significant architectural quality.
7. The proposal would involve a single display window, of a very similar depth to the previous shop windows, between two doorways. As a single window it would have a marginally greater horizontal emphasis than the display windows to the units either side of the appeal site. However, the horizontal emphasis is no greater than many other shop fronts in the street scene.
8. The proposed black plastic cladding would be comparable in appearance to the dark stained wood cladding on the shop front of the Babuchi restaurant in the same terrace of properties. Furthermore, cladding is found on other frontages, including the upper floor of the property adjoining the appeal site. Whilst the cladding would separate the fascia from the display window it would not appear discordant in a street scene containing a very wide variety of form and design and colour of shop fronts, and depth of fascia signs.
9. At first floor the large horizontally emphasised single window would be replaced by two windows of differing widths. The windows would not have a vertical emphasis, however, that can be said for many upper floor windows along Market Street, including above Babuchi and the adjoining shop unit.
10. Whilst the windows would not be regularly spaced within the elevation, they would vertically align with the shop window and glazed shop entrance door. Furthermore, there would be no regularity of spacing between the appeal property and other first floor windows within the wider terrace of properties. Nonetheless, due to the single large window that was in the host building and the upper floor window arrangements in other properties on Market Street, there is, and was, no such regularity in the street scene. In addition, in the absence of consistency in the depth of reveal and inclusion of sills and headers to upper floor windows, the limited depth of reveal and absence of a sill and header on the proposed windows would not appear incongruous in its surroundings.
11. The Council has raised no concerns about the proposed new windows in the side elevation of the host building and based on the evidence before me I have no reason to reach a different conclusion in that regard.
12. For the reasons outlined above, I conclude that the proposal would not have a harmful effect on the character and appearance of the host building or the area. Consequently, and in this regard, it would accord with Policies 1.3, 1.5, H10, and S9 of Tameside Unitary Development Plan (2004) (UDP) which seek

to ensure development protects, is sensitive to, and complements the character of the area and that the environment is protected. It would also accord with the design aims of the National Planning Policy Framework.

Conditions

13. The Council has not suggested any conditions. Even so, in addition to the standard time limit condition limiting the lifespan of the planning permission I have also, in the interests of certainty, attached a condition specifying the approved plans.

Conclusion

14. For the reasons given above, having regard to the development plan and all relevant material considerations, I conclude that the appeal should be allowed.

Elaine Moulton

INSPECTOR