

Reference:	20/00265/BRCN_B	
Report Type:	Enforcement	
Ward:	Milton	
Breach of Planning Control:	Unauthorised roller shutters and box housings	
Address:	103 Hamlet Court Road, Westcliff-on-Sea, Essex, SS0 7ES	
Case Opened:	28th August 2020	
Case Officer:	James Benn	
Recommendation:	AUTHORISE ENFORCEMENT ACTION	



1 Site and Surroundings

- 1.1 The site contains a double fronted two-storey building within a parade of retail and commercial units on the western side of Hamlet Court Road between its junctions with Ditton Court Road and Canewdon Road.
- 1.2 The surroundings are largely commercial in character, with retail and commercial units located at ground floor level along Hamlet Court Road which is designated as a Primary Shopping Frontage within the Hamlet Court Road District Centre. There are some residential flats above the ground floor units in Hamlet Court Road. To the rear of the site, the character changes to mainly residential properties. Land levels in Hamlet Court Road drop from north to south.
- 1.3 The building is a Locally Listed and is within a Frontage of Townscape Merit. The boundary of Hamlet Court Road Conservation Area is some 94m to the north.

2 Lawful Planning Use

- 2.1 The lawful planning use of the ground floor of the site which this report relates to is Class E (Commercial, Business and Service) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

3 Relevant Planning History

- 3.1 21/01263/FUL (the “2021 Application”): Install roller shutters to front (Retrospective) – Refused. Appeal dismissed (ref. APP/D1590/Z/21/3281520).

Reason for refusal:

“01 The roller shutters by reason of their detailed design and scale and the associated external shutter housings are visually intrusive features which result in a significant extent of dead frontage and are detrimental to the character and appearance of the existing shopfront, which forms part of a frontage of townscape merit and that of the wider parade. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).”

4 Planning Policy Summary

- 4.1 The National Planning Policy Framework (NPPF) (2021)
- 4.2 Planning Practice Guidance (PPG) – National Design Guide (NDG) (2021)
- 4.3 Core Strategy (2007): Policies KP2 (Development Principles), CP4 (Environment and Urban Renaissance)
- 4.4 Development Management Document (2015): Policies DM1 (Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend-on-Sea’s Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre)

and DM15 (Sustainable Transport Management)

4.5 Southend-on-Sea Design and Townscape Guide (2009)

4.6 Community Infrastructure Levy (CIL) Charging Schedule (2015)

5 The alleged planning breach, harm caused and efforts to resolve breach to date

5.1 The identified breach of planning control is:

- The installation of two grey roller shutters and associated shutter box housings to the frontage of the building.

5.2 The roller shutters are each some 3.5m high and 5m wide with shutter box housings mounted to the front of the shop fascia. It is understood that the previous shutters before these replacement shutters were installed did not have planning permission.

5.3 In August 2020 a complaint was received by the Council alleging that new shutters had been installed to the frontage of the building. Investigation identified that no planning permission existed for these shutters and that there are no permitted development rights for these works.

5.4 Planning application 21/01263/FUL sought to retain both shutters and their associated shutter box housings. This was refused due to their detailed design and scale which was found to be harmful to the character and appearance of the existing shopfront, which forms part of a Frontage of Townscape Merit, and that of the wider parade. The Officers report for the 2021 application is appended (Appendix 1). A subsequent appeal made to the Planning Inspectorate was dismissed in October 2022. Their Decision letter is appended (Appendix 2).

5.5 A pre-application advice enquiry submitted in November 2022 resulted in a meeting between planning staff and the applicant's agent in January 2023. A planning application with an alternative proposal has not been received to date.

Design and Impact on the Character of the Area and on non-designated heritage assets

5.6 Local and national planning policies and guidance seek to ensure that new development is well designed. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

5.7 Local development plan policies seek to ensure that new development is designed so that it adds to the overall quality of the area and respects the character of the site, its local context and surroundings, provides appropriate detailing that contributes to and enhances the distinctiveness of place; and contribute positively to the space between buildings and their relationship to the public realm. Policy DM1 and the Southend-on-Sea Design and Townscape Guide provide further details on how this can be achieved.

- 5.8 Paragraph 203 of the NPPF states “The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that directly or indirectly affect non-designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.” Non-designated heritage assets include Frontages of Townscape Merit and locally listed buildings.
- 5.9 Policy DM5 seeks to maintain the significance of designated and non-designated heritage assets. Policy DM5 states “Development proposals, including replacement shopfronts, that impact upon the ‘Frontages of Townscape Merit’ will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Special attention will be paid to the quality of replacement shopfronts and associated signage to ensure that their design and materials are appropriate to the historic character of the building.”
- 5.10 Paragraph 400 of The Design and Townscape Guide states that “whilst the Council recognises the need for such precautions, it is keen to ensure that security shutters become an integral part of the shopfront design and are not harmful to the wider street scene.”
- 5.11 Paragraph 401 of The Design and Townscape Guide states “Solid or micro perforation shutters in particular, have a detrimental effect on townscape, creating ‘dead’ frontages, attracting graffiti and fly posting, and generally destroying the appearance of an area. When shut, solid shutters also prevent internal surveillance of the building. This type of shutter will not be considered acceptable.”
- 5.12 The two shutters to the front of the retail unit are visible from the public realm. In this instance, the architectural character individually of the site and its prominence in the street scene is the reason why the site was included in the Frontage of Townscape Merit and is why the building is Locally Listed.. The unauthorised development is comprised of two micro perforated style steel roller shutters that rise from the ground up to the box housings which sit just below the fascia. The micro perforated shutters do not allow views of the window display behind and inhibit the appreciation of the architectural quality and fine detailing of the shopfront and effectively present a 10m wide dead frontage in this section of Hamlet Court Road.
- 5.13 The shutter and housings are contrary to the guidance set out in Design and Townscape Guide and are considered to harm the significance of the non-designated heritage assets (the Frontage of Townscape Merit and Locally Listed Building). The benefits of the development in terms of security to the retail unit are not considered to outweigh the harm to the assets. The proposal is therefore considered to be unacceptable and fails to comply with policy in the above regards.
- 5.14 The Inspector’s Appeal Decision letter in Appendix 2 concluded that “..the development would, overall and on balance, harm the character and appearance of the host property, including its significance as a non-designated heritage asset and as a frontage of townscape merit, and the surrounding area. The development would conflict with the development plan taken as a whole and there are no other

considerations, including the Framework, that outweigh this conflict.”

Enforcement Action

- 5.15 Given the harm identified above, it is considered to be reasonable, expedient and in the public interest to pursue enforcement action in the circumstances of this case. Enforcement action in this case will aim to secure removal of the unauthorised shutters and their box housings in their entirety and remove from the site all materials resulting from compliance with the removal of the development. No lesser steps that could remedy the identified breach or associated harm have been identified.
- 5.16 Staff consider that taking enforcement action is proportionate and justified in the circumstances of the case and that an enforcement notice should be served as this will bring further focus to the need for the breach to cease and the identified harm to be remedied. Service of an enforcement notice carries its own right of appeal and does not fetter the owner in seeking to gain planning permission for a different proposal which remedies the identified harm, albeit an application to this effect has not been received yet and despite the provision of pre-application advice.
- 5.17 Taking enforcement action in this case may amount to an interference with the owner/occupier’s human rights. However, it is necessary for the Council to balance the rights of the owner/occupiers against the legitimate aims of the Council to regulate and control land within its area in the public interest.

6 Equality and Diversity Issues

- 6.1 The Equality Act 2010 (as amended) imposes important duties on public authorities in the exercise of their functions and specifically introduced a Public Sector Equality Duty. Under this duty, public organisations are required to have due regard for the need to eliminate unlawful discrimination, harassment, and victimisation, and must advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not. Officers have in considering this planning enforcement case and preparing this report had careful regard to the requirements of the Equalities Act 2010 (as amended). They have concluded that the decision recommended will not conflict with the Council's statutory duties under this legislation.

7 Recommendation

- 7.1 **Members are recommended to:**

AUTHORISE ENFORCEMENT ACTION to:

- a) Remove from the site the two shutters and associated shutter box housings from the frontage of the building, and
- b) Remove from site all materials resulting from compliance with a)

- 7.2 The authorised enforcement action to include (if/as necessary) the service of an

Enforcement Notice under Section 172 of the Act and the pursuance of proceedings whether by prosecution or injunction to secure compliance with the requirements of the Enforcement Notice.

- 7.3 When serving an Enforcement Notice the Local Planning Authority must ensure a reasonable time for compliance. In this case a compliance period of three (3) months is considered reasonable for the removal of the two shutters and associated shutter box housings.

Appendix 1

Reference:	21/01263/FUL
Ward:	Milton
Proposal:	Install roller shutters to front (Retrospective)
Address:	103 Hamlet Court Road, Westcliff- On-Sea SS0 7EW
Applicant:	Mrs Shelley Horban of Emex International
Agent:	Mr David Grew of D.M.Grew
Consultation Expiry:	22.07.2021
Expiry Date:	11.08.2021
Case Officer:	Scott Davison
Plan No's:	DMG 01 & Site Plan and Location Plan
Recommendation:	REFUSE PLANNING PERMISSION

1 Site and Surroundings.

- 1.1 The application site is a double fronted two-storey building located within a parade of retail and commercial units. The site is located on the western side of Hamlet Court Road between its junctions with Ditton Court Road and Canewdon Road.
- 1.2 The surroundings are largely commercial in character, with the retail and commercial units located at ground floor level along Hamlet Court Road which is designated as a primary shopping frontage. There are some residential flats located above the ground floor units in Hamlet Court Road. To the rear of the site, the character changes to mainly residential properties. Land levels in Hamlet Court Road drop from north to south.
- 1.3 The host building is not listed and is not located within the newly designated hamlet Court Road Conservation Area but is within a Frontage of Townscape Merit. The site is located within a Primary Shopping Frontage within the Westcliff District Centre.

2 The Proposal

- 2.1 Retrospective planning permission is sought to retain two grey steel roller shutters to the frontage of the building. The roller shutters are each some 3.5m high and 5m wide with shutter box housings located to the front of the shop fascia. It is understood that the previous shutters did not benefit from planning permission.
- 2.2 The plans submitted indicate there will be no external alterations to the front elevation of the building which appears to be a double fronted shop unit. Internally the layout would not be changed. Publicly available photographs and the submitted photographs show differences between the former shutters and the development for which permission is sought.
 - Projecting box on southern shutter (previously the shutter was boxed within/under the shutters)

- Greater openness on southern shutter (central section)
- Smaller shutter area southern
- The central “marble” column has been extended upwards
- A variation in colour and detailing

3 Relevant Planning History

- 3.1 19/01860/AD Application for approval of details pursuant to condition 06 (details of landscaping) of planning permission 10/01662/FUL dated 08/11/2010 – Granted
- 3.2 12/01619/AD Application for approval of details pursuant to condition 05 (details of hardstanding) condition 06 (details of landscaping) and condition 08 (waste management plan) of planning permission 10/01662/FUL dated 08/11/2010.- Granted
- 3.3 10/01662/FUL Erect single storey side extension and use club (Sui Generis) as hotel (Class C1) and lay out amenity, refuse store and parking spaces at rear. Granted.
- 3.4 07/00803/FUL Use club (Class Sui Generis) as hotel (Class C1) and erect two storey rear extension. Refused & appeal dismissed
- 3.5 Enforcement History
20/00265/BRCN_B Unauthorised works to a shop front. Pending Consideration

4 Representation Summary

Public Consultation

- 4.1 27 neighbours were notified of the proposal and a site notice was displayed. No letters of representation have been received.

Design and Conservation

- 4.2 Objection. The proposed shutters are detrimental to the historic character of the building and result in harm to the non-designated heritage asset.

5 Planning Policy Summary

- 5.1 National Planning Policy Framework (NPPF) (2021)
- 5.2 Core Strategy (2007) Policies KP2 (Development Principles) CP4 (Environment & Urban Renaissance).
- 5.3 Development Management Document (2015): Policies DM1(Design Quality), DM3 (Efficient and Effective Use of Land), DM5 (Southend Historic Environment), DM13 (Shopping Frontage Management outside the Town Centre) and DM15 (Sustainable Transport Management)
- 5.4 Design & Townscape Guide (2009)
- 5.5 Community Infrastructure Levy (CIL) Charging Schedule (2015)

6 Planning Considerations

- 6.1 The main considerations in relation to this application are the principle of the development, design and impact on character of the area, traffic and transportation issues, impact on residential amenity and CIL considerations.

7 Appraisal

Principle of Development

- 7.1 Policy KP2 of the Core Strategy requires new development to respect the character of the neighbourhood. Similarly, Policy CP4 of the Core Strategy requires development to contribute towards the creation of a high quality urban environment. Policy DM1 of the Development Management Document seeks to promote successful places. DM13 seeks to maintain and enhance the vitality and viability of shopping frontages. Primary and secondary shopping frontages within Southend will be managed to reinforce their attractiveness, vitality and viability within the daytime and night-time economies. The policy also seeks that uses should maintain or provide an active frontage with a display function for goods and services rendered.
- 7.2 The site is occupied by a commercial unit within a commercial parade and described as Class E use on the application form. The installation of a roller shutter to the retail unit is considered acceptable in principle. Other material planning considerations are discussed below.

Design and Impact on the Character of the Area and impact on non-designated heritage assets

- 7.3 The key element within all relevant policies is that good design should be a fundamental requirement of new development in order to achieve high quality living environments. Its importance is reflected in the NPPF and within Policies KP2 and CP4 of the Core Strategy and also in Policies DM1 and DM3 of the Development Management Document. These policies seek to maintain and enhance the amenities, appeal and character of residential areas and to contribute towards the creation of a high quality urban environment.
- 7.4 The site is located within a 'Frontage of Townscape Merit'. In this respect, Policy DM5 of the Development Management Document states 'Development proposals, including replacement shopfronts, that impact upon the 'Frontages of Townscape Merit' will be required to pay regard to the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Special attention will be paid to the quality of replacement shopfronts and other alterations to ensure that their design and materials are appropriate to the historic character of the building.
- 7.5 The Design and Townscape Guide also states that "the Borough Council is committed to good design and will seek to create attractive, high-quality living environments". The Guide seeks shopfronts that relate well to the surrounding townscape. Paragraph 400 of The Design and Townscape Guide under the heading of Security Shutters states that "*whilst the Council recognises the need for such precautions, it is keen to ensure that security shutters become an integral part of the shopfront design and are not harmful to the wider street scene*". It is also added that "*solid or micro perforation shutters in particular have detrimental effect on townscape, creating 'dead' frontages. This type of shutter will not be considered acceptable*".

(Paragraph 401). Furthermore, the shutters *"must be installed so that the housing is hidden behind the fascia, not fixed on the outside."* (Paragraph 402).

- 7.6 The two shutters are located to the front of the retail unit and visible from the public realm. In this instance, the architectural character individually of the site and its prominence in the street scene is the reason why the site is considered to be a frontage of townscape merit. The development is comprised of two micro perforated style steel roller shutters that rise from the ground up to the box housings which sit just below the fascia. The micro perforated shutters do not allow views of the window display behind and effectively presents a 10m wide dead frontage in this section of Hamlet Court Road.
- 7.7 The shutter and housings are contrary to the guidance set out in Design and Townscape guide and are considered to result in harm to the significance of a non-designated heritage asset, i.e., a Frontage of Townscape Merit. The benefits of the development in terms of security to the retail unit are not considered to outweigh the harm to the asset.
- 7.8 The proposal is therefore considered to be unacceptable and fails to comply with policy objectives in the above regards

Impact on Neighbouring Properties

- 7.9 The National Planning Policy Framework seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.10 Policy DM1 of the Development Management Document requires all development to be appropriate in its setting by respecting neighbouring development and existing residential amenities "having regard to privacy, overlooking, outlook, noise and disturbance, sense of enclosure/overbearing relationship, pollution, daylight and sunlight."
- 7.11 The development is positioned at the front of the building and fronts onto the public highway. It is part of an established commercial parade. It is therefore considered that the development does not result in any adverse harm to the occupiers of the commercial shopping parade or nearby residential properties in any regard.
- 7.12 The development is considered acceptable and policy compliant in the above regards.

Traffic and Transport Issues

- 7.13 Policy DM15 seeks to maintain highway safety. The site is in a commercial area, and it is considered that the proposal would not result in any adverse impact on the functioning of the highway or pedestrian pavement.
- 7.14 The proposal is therefore acceptable and policy compliant in the above regards.

Community Infrastructure Levy

- 7.15 The development would not create any additional floorspace at the application site and therefore is not CIL liable.

8 Conclusion

- 8.1 Having taken all material planning considerations into account, it has not been demonstrated that the development would have an acceptable impact compliant with the objectives of the relevant development plan policies and guidance. It is concluded that the proposed development would be materially harmful to the character and appearance of the application site and the street scene and the frontage of townscape, a non-designated heritage asset. This would be unacceptable and in conflict with policy. Therefore, it is recommended that planning permission is refused.

9 Recommendation

9.1 REFUSE PLANNING PERMISSION for the following reasons

- 01 **The roller shutters by reason of their detailed design and scale and the associated external shutter housings are visually intrusive features which result in a significant extent of dead frontage detrimental to the character and appearance of the existing shopfront, which forms part of a frontage of townscape merit and that of the wider parade. The development is therefore unacceptable and contrary to the National Planning Policy Framework (2021); Policies KP2 and CP4 of the Southend-on-Sea Core Strategy (2007); Policies DM1 and DM5 of the Southend-on-Sea Development Management Document (2015) and advice contained within the Southend-on-Sea Design and Townscape Guide (2009).**

The Local Planning Authority has acted positively and proactively in determining this application by identifying matters of concern with the proposal and determining the application within a timely manner, clearly setting out the reason(s) for refusal, allowing the Applicant the opportunity to consider the harm caused and whether or not it can be remedied by a revision to the proposal. The detailed analysis is set out in a report prepared by officers. In the circumstances the proposal is not considered to be sustainable development. The Local Planning Authority is willing to discuss the best course of action and is also willing to provide pre-application advice in respect of any future application for a revised development, should the applicant wish to exercise this option in accordance with the Council's pre-application advice service.

Informatives

01. You are advised that as the proposed works to your property creates no new floorspace the development benefits from a Minor Development Exemption under the Community Infrastructure Levy Regulations 2010 (as amended) and as such no charge is payable. See www.southend.gov.uk/cil for further details about CIL.

Case Officer Signature.....SD.....Date...10.08.2021.....
Senior Officer Signature.....CW.....Date.....11/08/2021.....
Delegated Authority Signature.....TS.....Date.....11/08/2021.....

Appendix 2



The Planning Inspectorate

Appeal Decision

Site visit made on 23 August 2022 by A Humphries BSc (Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/D1590/Z/21/3281520

103 Hamlet Court Road, Westcliff-on-Sea, SS0 7ES

- 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 Shelley Horban on behalf of Emex International against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01263/FUL, dated 16 June 2021, was refused by notice dated 11 August 2021.
 - The development is to replace roller shutters.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Two grey steel roller shutters with surface mounted shutter boxes above have already been installed to the double fronted shop and therefore the development is retrospective. The two roller shutters were fully closed when the site visit was undertaken, however, I am satisfied that sufficient evidence has been provided as part of the appeal process to establish the character and appearance of the shopfront and thus the planning merits of the appeal.
4. During the appeal process, it was brought to my attention that the host property had been identified as a locally listed building. The Council confirmed that the host property had been designated after the decision notice was issued. In the interest of fairness, the appellant was invited to provide comment on the Council's response. The designation as a locally listed building was therefore considered in the reasoning of this appeal decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host property, a locally listed building, which forms part of a frontage of townscape merit, and the surrounding area.

Reasons for the Recommendation

6. The host property is a three-storey building with a single storey double fronted shop set within an area characterised by commercial and retail units at ground floor level. The host property is locally listed and is a frontage of townscape merit. The significance of the non-designated heritage asset lies in the architectural quality and elegance of detailing of the shopfront. As set out in the Hamlet Court Road Conservation Area Appraisal (2021) (the CAA), the double fronted shopfront, which is best preserved on the street, comprises recessed doorways framed by curved glass, fine ornate frames and detailed carving with a central clock above.
7. The National Planning Policy Framework (2021) (the Framework) advises that the direct or indirect effect on the significance of a non-designated heritage asset should be taken into account and a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. During the site visit, several other shopfront shutters were observed in the immediate locality, some of which had surface mounted shutter boxes that protrude to various degrees. These shopfronts are of a different character and appearance to the host property and the shutters vary in terms of design, style and colour. No details have been provided regarding their planning history. Nevertheless, given that I do not dispute the need for shutters on the host property and that they are a common feature on the street, I would agree that shopfront shutters are acceptable in principle.
9. Based on the evidence presented before me, the shopfront of the host property is a prominent and distinctive part of the street scene because of its architectural quality and fine detailing, which contrasts with the surrounding commercial and retail units. During the site visit, the two shutters were closed. Owing to the opaqueness from the micro perforated style of the shutters, none of the features of the shopfront that positively contribute to the significance of the non-designated heritage asset and street scene were visible. The shutters therefore inhibit the appreciation of the architectural quality and fine detailing of the shopfront and limit the contribution of the shopfront to the street scene when closed.
10. The micro perforated style of the shutters creates a solid appearance when viewed from the street. Given this, together with the scale of the two shutters combined, the shutters create a large blank area rather than an active frontage. As a result, the two shutters are prominent and visually intrusive on the street scene.
11. Whilst the associated surface mounted shutter boxes protrude from the fascia of the shopfront, the façades of the shopfronts in the locality vary with a combination of recesses and protrusions and thus shopfronts do not have flat and level façades. Owing to the irregular façades of neighbouring properties, I do not find the surface mounted shutter boxes on the host property as visually intrusive to the street scene as the shutters themselves. Furthermore, I acknowledge that any shutter housing would need to protrude from the fascia to some degree unless alterations are made to the shopfront of the host property. Nonetheless, the box housing is a bulky addition to the fascia which contrasts awkwardly against the elegant proportions of the original shopfront.

12. The host property had two roller shutters prior to renovation, although the evidence presented before me suggests that these did not benefit from planning permission, albeit that they appeared to have been in situ for some time. Nonetheless, it is necessary to consider the present appeal in the context of relevant planning policy and material considerations as they stand at present. Given the inclusion of the shopfront on the local list and the identification of the importance to the local townscape within the CAA, the former presence of shutters which did not benefit from planning permission does not, of itself, justify the approval of similar harmful development.
13. For the reasons above, the development would harm the character and appearance of the host property, a locally listed building and a frontage of townscape merit, and the surrounding area. I am satisfied that the development would, as a result, erode the significance of the locally listed building and neither preserve nor enhance the host property.
14. The development would therefore conflict with the Framework and would also be contrary to policies KP2 and CP4 of the Council's Core Strategy (2007) and policies DM1 and DM5 of the Development Management Document (2015). Collectively, these policies seek high quality design that respects the character and distinctiveness of the site and surroundings, together with conserving and enhancing heritage assets. Specifically in relation to locally listed buildings and frontage of townscape merit, regard should be given to the quality of replacement shopfronts, together with the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Furthermore, the development would be contrary to the Supplementary Planning Document (SPD): Design and Townscape Guide (2009).

Other Matters

15. I acknowledge the local crime rates presented before me, including vandalism and anti-social behaviour, and thus the need for security at the host property, together with that there may be a requirement from insurance companies for the protection of the glass of the shopfront by shutters. Given the ornate and curved nature of the glazing and the level of craftsmanship on show in the shopfront as a whole, I can appreciate the likely cost of repairing any damage and the benefit of protecting the frontage from harm. That is a matter that attracts weight in support of the scheme.
16. The appellant also maintained that alternative types of shutters would be impractical or result in alteration to the fabric of the shopfront. However, without any supporting technical information or drawings detailing the fabric of the building behind the fascia, it is difficult to fully assess these claims. Whilst I recognise the need to protect the glass of the shopfront, I am not persuaded that a different design of shutters would not protect the glass and facilitate access to the first-floor balcony. I am therefore not persuaded that the development is the only design solution to meet the required level of security that would also preserve the significance of the non-designated heritage asset.
17. Consequently, on the basis of the information before me, it is not clear that the current arrangement is the only way of providing security and protecting the frontage from damage. I have given weight in this appeal decision to the crime levels and the requirement for security, however, overall and on balance, the benefits of security provided by the shutters does not outweigh the harm of the

development to the character and appearance of the shopfront of the host property and surrounding area.

18. I sympathise that the appellant has invested in the host property and completed renovations. Whilst the renovation of the host property has benefitted the area, similar benefits could be achieved without the addition of the present shutters which have a detrimental impact. Consequently, this does not outweigh the harm caused by the development to the character and appearance of the shopfront of the host property and surrounding area.

Conclusion and Recommendation

19. For the reasons given above, I have concluded that the development would, overall and on balance, harm the character and appearance of the host property, including its significance as a non-designated heritage asset and as a frontage of townscape merit, and the surrounding area. The development would conflict with the development plan taken as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Alice Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR