
Appeal Decision

Site visit made on 24 August 2016

by D A Hainsworth LL.B(Hons) FRSA Solicitor

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 September 2016

Appeal Ref: APP/W4705/C/16/3149543
25 Leeds Old Road, Bradford BD3 8JX

- The appeal is made by Iftikar Akhtar under section 174 of the Town and Country Planning Act 1990 against an enforcement notice (ref: 15/00347/ENFUNA) issued by City of Bradford Metropolitan District Council on 22 March 2016.
 - The breach of planning control alleged in the notice is "the installation of five externally mounted roller shutters, shutter boxes and associated guide rails on the front, side and rear elevations of the building", as shown on the photographs attached to the notice.
 - The requirements of the notice are as follows: -
 - "i. Remove the five unauthorised externally mounted roller shutters, shutter boxes and associated guide rails from the front, side and rear elevations of the building
 - ii. remove all resulting materials from the land
 - iii. make good any damage caused to the building as a result of compliance with the requirements of this notice"
 - The period for compliance with these requirements is two months.
 - The appeal is proceeding on the ground set out in section 174(2)(a).
-

Procedural matter

1. The notice relates to five out of the six shutters at the building. The shutter installed at the lower-ground floor level at the front of the building is not included in the notice and is therefore not dealt with in this decision.

Decision

2. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to be made by section 177(5) of the Town and Country Planning Act 1990 for development at 25 Leeds Old Road, Bradford BD3 8JX consisting of the installation of five externally-mounted roller shutters, shutter boxes and associated guide rails on the front, side and rear elevations of the building.

Reasons for the decision

3. The main issues in deciding whether planning permission should be granted for the shutters are their effect on the appearance of the locality and the extent to which they conform with the planning policies and guidance that apply in the circumstances arising in this appeal.
 4. The building is a corner shop at the junction of Leeds Old Road and Roydstone Terrace. It is vacant at present and undergoing extensive refurbishment. Two
-

- of the shutters cover the front and side windows of the main part of the shop. The other three are further back, on the side and rear elevations of the shop's rear extension, where a back alleyway joins Roydstone Terrace.
5. The building had shutters before the present ones were installed. Photographs supplied to me show that the two new shutters in the main part of the shop have replaced two that were in the same position and were about the same size. The new ones have a better appearance, however, because their shutter boxes project less and their colour is more fitting. The rear extension appears to have been rebuilt, with a replacement shutter of a similar size on the side; this too projects less than the one it replaced. A shutter looks to have replaced a grille over the side door in the extension. A new shutter has been installed in the rear of the extension, which faces the alleyway and does not have a significant effect on its surroundings. The colours of all five shutters match.
 6. This part of Leeds Old Road has terrace houses on the side containing the shop, with more houses further to the rear. The other side of Leeds Old Road has a mixture of residential and business premises, including a parade of shops. All except one of the shops in the parade have shutters, as do some of the other business premises. Generally, the other shutters in the locality have an inferior appearance to those at the appellant's building.
 7. Policy D1 of the Bradford Unitary Development Plan indicates that the design of development should be well-related to the existing character of the locality. Policy UR3 of the Plan adds that development will be permitted provided that it does not have an adverse effect on the surrounding environment. Policy UDP3 seeks to maintain, and where practical improve, the quality of the built environment.
 8. For the reasons given in paragraphs 5 and 6 above, I do not consider that any of the shutters is in conflict with Policies D1, UR3 or UDP3 in so far as their effect on the existing character of the locality or the existing built environment and its quality is concerned. I have found in fact that their appearance is better than the ones they replaced; to this extent they meet the objective in Policy UDP3 of, where practical, improving the quality of the built environment.
 9. The reasons given by the Council for the issue of the notice refer only to these policies, but the Council's appeal statement also relies on the Supplementary Planning Document "A Shopkeepers Guide to Securing their Premises". This Guide sets out the Council's wish to protect and enhance the appearance of shop fronts in general, whilst acknowledging that there is a balance to be struck between this objective and the provision of effective security measures to protect against criminal activities.
 10. The Guide does not rule out external shutters: it states in paragraph 1.2 that they "are unlikely to be acceptable in all circumstances". In this instance, the Council's appeal statement maintains that the shutters "should be mounted internally, in combination with security glass if necessary". The Guidance indicates that the Council would require a 1m-set back from the windows.
 11. Policy UDP3 realistically looks only for improvements where they are practical. This is a small corner shop. The structural measures required to install effective internal security shutters and the loss of retail space that would occur make it unlikely that the Council's stance is a practical proposition in this instance.

12. For the above reasons, I have concluded that there is insufficient justification to withhold planning permission for the shutters. The appeal has therefore succeeded and planning permission has been granted. It has not been suggested that any planning conditions should be imposed in this event and I do not consider that any are required.

D.A.Hainsworth

INSPECTOR