

Appeal Decision

Site visit made on 27 September 2016

by Sue Glover BA (Hons) MCD MRTPI

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

Decision date: 04 October 2016

Appeal Ref: APP/C4615/Z/16/3152999

27 Halesowen Road, Netherton, Dudley, DY2 9QD

- 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 Robert Grainger against the decision of Dudley Metropolitan Borough Council.
 - The application Ref P15/1979 was refused by notice dated 3 March 2016.
 - The development is the installation of external security shutters.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the external security shutters, which are already in place, on the character and appearance of the host building and the street scene, and whether the shutters would reinforce a fear of crime.

Reasons

Character and appearance

3. No. 27 is one of a number of buildings on this side of the street with a ground floor retail use. At the time of my site visit, the external shutters were closed over the entrance gate to no. 27, but the shop front was open. I saw that the attractive shop displays at both nos. 27 and 29 positively contribute to an active and vibrant street frontage.
 4. It is clear that a number of other retail units in the vicinity have similar security shutters, and there are others in the wider area as indicated by the appellant. Most notable of these at my site visit was the vacant corner premises at no. 17, where the shutters were down. The appearance of such shutters presents a featureless, negative appearance on the street scene. The Council indicates that most other shutters were in place prior to the Shop Front Design and Security planning guidance note, dated 1996.
 5. The recently installed shutters now in place at no. 27 are fresh in appearance having replaced old metal grids at the windows and doorway. However, the solid external shutters when closed obscure the entire shop frontage and entrance gate. They appear prominent and stark in the street scene, an appearance that would not be mitigated by painting. The prominent metal
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housing boxes obscure part of a shop front that is contemporaneous with the building and has some local heritage value. Together, these aspects have a severe and negative impact on the character and appearance of the host building and the street scene.

6. In these respects, the shutters are not of a high quality of design and therefore contrary to Policy ENV3 of the Black Country Core Strategy. There is also conflict with Policy DD1 of The Dudley Borough Unitary Development Plan (UDP), which indicates that development should make a positive contribution to the character and appearance of an area.
7. The development plan policies are compatible with paragraph 17 of the National Planning Policy Framework, which indicates that planning should always seek to secure high quality of design. Paragraph 64 of the Framework says that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. There is conflict with the policies of the Framework in these respects.

Fear of crime

8. UDP Policy DD1 indicates that development should demonstrate a positive contribution towards safety and security in the environment. This policy is consistent with paragraph 60 of the Framework, which indicates that places should be safe and accessible where crime and disorder, and the fear of crime, do not undermine quality of life and community cohesion, and encourage active and continual use of public areas.
9. The Council refers to The Design for Community Safety Supplementary Planning Guidance. It was produced jointly with the West Midlands Police for the improvement of community safety. The document indicates in paragraph 9.4 that external shutters lead to monotonous, unattractive frontages, which reinforces fear of crime.
10. There is clearly some crime in the area as evidenced by the appellant. A fear of crime in the area is evident from the installation of the shutters at no. 27 intended to protect the security of the shop and prevent vandalism. It is also clear that external shutters can lead to monotonous and unattractive frontages outside business hours. They can deter passers-by on account of a bleak and hostile appearance, and by doing so create a climate for crime in the area.
11. As indicated by the appellant there are already shops with external shutters nearby. The 2 shutters at no. 27 would add to monotonous and unattractive frontages in the area, and therefore reinforce a fear of crime in the area. The shutters do not encourage active and continual use of public areas. I therefore find conflict in these respects with UDP Policy DD1 and the Framework.
12. In respect of the appellant's fear of crime I am mindful that alternative security measures are available, such as toughened glass and/or shutters that would have a significantly less severe appearance than the shutters now in place.

Other matters and conclusions

13. There has been reuse of an empty shop by new tenants creating a vibrant frontage during business hours and local employment. I am also aware that no

objections were received to the development. I have taken into account all the policies in the Framework, and other national planning policy and guidance.

14. Notwithstanding my findings regarding the other matters, they do not outweigh the significant harm that I have identified to character and appearance and to the fear of crime. The appeal therefore does not succeed.

Sue Glover

INSPECTOR