The Planning Inspectorate

Appeal Decision

Site visit made on 18 October 2016

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 01 December 2016

Appeal Ref: APP/C4615/W/16/3155579
189 High Street, Lye, Stourbridge, West Midlands DY9 8LH

- 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 Muhammad Imran (Khan Hair Studio) against the decision of Dudley Metropolitan Borough Council.
- The application Ref P16/0453, dated 1 April 2016, was refused by notice dated 2 June 2016.
- The development proposed is single storey front extension alterations to shop front provision of roller shutter.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The planning application form and Council Officer's Report refer to the site address as 189 High Street. Subsequently, the decision notice and appeal from refer to 189A High Street. As the shop signage at the premises refers to 189 High Street in accord with the planning application form, I have used that address in this decision. There is also a discrepancy in the spelling of the appellant's first name between the planning application form and the appeal form. Again, I have taken the spelling from the planning application form.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the existing building and the area.

Reasons

4. The appeal site comprises the Khan Hair Studio which is one of a pair of shops with residential flats above, identified by the Council as probably Victorian. It is located on a busy commercial street of mostly two and three storey properties with ground floor shops, which the Council have identified as within an Area of High Historic Townscape Value.

5. Whilst there have been some modifications, the two shop fronts are virtual mirror images with projecting canopy and fascia, decorative supports, high level vents and fanlights over recessed doorways to the side. They have a pleasing symmetry and many original features in contrast to the modern aspect of much of the remainder of the high street.

6. The proposal is to replace the existing shop front with a modern flat shop front. The distinctive recessed doorway would be removed and the entrance re-sited to a more central position. The new flat facade would mean that the existing symmetry with the adjoining shop would be lost to the detriment of the street scene and the character of the area.

7. As many other shop fronts in the high street have already been modernised, the appellant believes that the proposal should be allowed. However, I agree with the Council that this makes the retention of the few remaining older shop fronts with original features all the more important. If the existing shop front is in poor condition it could be sympathetically restored in a manner which maintains the integrity of the original design.

8. The appellant also suggests that alterations are necessary to enable easier disabled access although I note that the Council are satisfied with the existing level access into the shop.

9. A further aspect of the proposal is the installation of a roller shutter and associated external box housing, which would add to the detrimental effects on appearance. The Council's view is that there has been insufficient exploration of alternative security measures which would have less negative impact on the building. Whilst there are existing shutters at the appeal site and other shops, the Council advises that they have no record of planning permission being granted for them. Its design policies have been developed over time to provide more protection for the historic heritage of the area.

10. Though I welcome the appellant's offer to use toughened glass instead of roller shutters, it would not alleviate the significant detrimental effects of the removal and replacement of the original shop front.

11. Therefore, I conclude that the proposed development would harm the character and appearance of the existing building and the area. It follows that it would conflict with the objectives of Policy ENV2 of the Black Country Core Strategy[1] and Saved Policies DD3 and DD4 of the Dudley Borough Unitary Development Plan (UDP)[2]. Amongst other things they seek to ensure that development protects historic character and local distinctiveness and that shop fronts enhance the appearance of shopping areas.

12. The Council also refers to conflict with the emerging Dudley Borough Development Strategy (DS), including policies S8, S12 and L12 which deal with conservation and enhancement of local character, areas of high historic townscape value and shop front security. It reflects and develops the ethos of the CS and the UDP and illustrates the Council's up-to-date thinking, but as the DS is not yet adopted, I have given it more limited weight in my decision.

Conclusion

13. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

[1] Adopted February 2011
[2] October 2005