
Appeal Decision

Site visit made on 13 December 2016

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 19 December 2016

Appeal Ref: APP/V0728/W/16/3157487

12 Jackson Street, Brotton TS12 2TD

- 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 H Singh against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2016/0310/RT, dated 9 May 2016, was refused by notice dated 8 August 2016.
 - The development is roller shutters and larger window in front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application sought retrospective planning permission for the development as described above. At the time of the site visit, the alterations to the shop window, roller shutter and new signage were in situ at the appeal property. As a result, I was able to consider the development in its context and I have therefore, in part, determined this appeal on that basis.
3. I note that there is an application submitted in relation to the signage on the front elevation of the appeal property (ref: R/2016/0403/AD). However, at the time of writing my decision, the Council has indicated that the application is invalid. As a result, whilst I have given due consideration to it, the impact of the signage is not part of the development scheme before me and is therefore, not the subject of this appeal. Accordingly, I have undertaken no further assessment of that aspect of the alterations to the shop front in this decision.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the surrounding area.

Reasons

5. The appeal site is situated midway along a street of terrace houses. The area is predominantly residential and the appeal property, a fish and chip shop, is a converted dwelling and appears to be the only property on the street not in residential use. Due to the topography of the local area, the street slopes upwards towards the south.
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6. All properties in the street are similar in scale and design and all have an active frontage with a window at ground floor level and a front door onto the street. The roller shutter installed at the appeal property diminishes the character and appearance of the street by concealing such features of the appeal property at the times when the shop is closed.
7. During the site visit, I noted that the roller shutter, which was down at the time, did not reach ground level. I appreciate that this is partly due to the sloping topography of the street. However, this creates an awkward appearance to the property within the streetscene. In addition, the roller shutter extends across the full width of the shop. In my assessment, this contributes to the incongruous and contrasting appearance between the appeal property and the frontages of the dwellings in the street, particularly when the shop is closed and the roller shutter is down.
8. Furthermore, in my view, the roller shutter makes a negative contribution to the streetscene and is more in keeping with those found on industrial buildings in more predominantly commercial areas. As a result, the development has a detrimental effect on the active frontage of the street and therefore it has a significantly harmful effect on the prevailing residential characteristics of the street and the wider area.
9. The depth of the front window has been increased. Having considered the surrounding context, I am satisfied that this alteration is more in keeping with the proportions and vertical emphasis of the windows on the residential frontages in the street. In addition, I note that the fish and chip shop has been established in its location for many years and that the appellant argues the development constitutes an update and renovation of the property. Notwithstanding this, I am not persuaded that the development has no significant adverse impact on its surrounding area.
10. Consequently, I conclude that the development has a significant harmful effect on the character and appearance of its surrounding area. It is therefore contrary to Policies CS20, DP2 and DP3 of the Redcar & Cleveland Local Development Framework. Amongst other matters, these policies seek to ensure that development is of a good quality of design and has no adverse effect on the character and appearance of its surrounding area.

Other Matters

11. The appellant points to security and safety reasons in justifying the installation of the roller shutter and CCTV cameras in order to safeguarding their investment in the business. I appreciate the importance of this to the appellant. However, the appellant refers only to one incident where the step up to the entrance of the property had been covered in grease which nearly resulted in an accident. From what I have seen and read, the nature of this development would not prevent similar incidents from happening in the future. As a result, and in the absence of any further substantive evidence relating to security and safety, I give only limited weight to these matters.
12. The appellant refers to other properties in the area including those with similar roller shutters and frontages. I note an example as being the newsagent unit at the corner of Wilson Street and Errington Street. In that case, the roller shutters only extend to the openings of the windows and doors, rather than the full width of the property. As such, in my assessment, the appeal development

has a greater adverse effect on the streetscene than the newsagents, despite its more prominent location. Nonetheless, whilst I have had due regard to these other properties, I must assess the appeal development on its own merits, in its own context and on the basis of the evidence before me.

Conclusion

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

Andrew McCormack

INSPECTOR