
Appeal Decision

Site visit made on 7 January 2017

by Thomas Shields MA DipURP MRTPI

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

Decision date: 9 January 2017

Appeal Ref: APP/H5390/C/16/3156338

24 Shepherds Bush Road, London, W6 7PJ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Nicola Palfrey (Hollingsworth Edwards Solicitors) against an enforcement notice issued by the Council of the London Borough of Hammersmith and Fulham.
 - The enforcement notice was issued on 4 July 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of an external roller security shutter and external box housing to the shopfront.
 - The requirements of the notice are:
Remove the external roller shutter and external shutter box housing from the shopfront and make good any damage caused to the elevation as a result of the development.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since the prescribed fee has been paid within the specified period, the application for planning permission deemed to have been made under section 177(5) of the Act as amended also falls to be considered.
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Decision

1. The appeal is dismissed, planning permission is refused and the enforcement notice is upheld.

Main Issue

2. The main issue in this appeal is the effect of the roller shutter and housing box on the character and appearance of the area, in particular the Melrose Conservation Area (MCA), a designated heritage asset¹.

Reasons

3. For the avoidance of any doubt I start by setting out that the fact that the development has already been carried out and is in situ can carry no weight in support of the appeal.
4. The appeal premises are a ground floor office with a modern glazed shopfront and door, located within a three storey terrace of traditionally constructed brick buildings in the MCA, and sits within a short run of other ground floor commercial premises. The blue solid roller shutter when not in operation sits within its housing box of the same colour. The housing box sits under and projects forward of the deep fascia sign above.

¹ National Planning Policy Framework (2012) : Annex 2:Glossary

5. I consider that the metal solid shutters and shutter housing box appear prominent and incongruous with the traditional construction and form of the attractive wider terrace of buildings. They have an industrialising appearance, and the size and forward projection of the housing box jars with the lines and set-back plane of the frontage and the fascia above.
6. As such, the shutter and housing box are contrary to Policy 28 of the Council's SPD² which discourages the use of shutters covering the whole of the frontage of an individual ground floor façade to prevent harm to the architectural integrity of the building. It is also at odds with the SPD guidance that box housings containing roller shutters or grilles should be mounted internally behind the fascia. Overall, I find that the development results in significant harm to the character and appearance of the area.
7. I acknowledge the appellant's evidence that security and prevention of crime are serious matters to consider, particular given a recent attempted burglary of the premises. However, there is no reason why the same level of security could not be attained with shutters installed internally and the housing box integrated into the fabric of the building behind the front fascia, as is the case at many other premises. I am not convinced that the same cannot be achieved here.
8. I also note the appellant's evidence with regard to shutters and boxes at other premises, some of them nearby, and which I was able to see during my visit to the appeal premises and the surrounding area. However, I do not know when, or if, any of those have been granted planning permission, and if so whether any such decisions were made before or after the Council's current Development Plan policies were adopted; against which applications for planning permission are assessed. In any event, I consider that the appearance of those other premises, including the appearance of the appeal site when in operation as 'Black Katz', do not lend any support for allowing the development subject of this appeal which I have found to be harmful as I have previously described.
9. Given my reasons above, I find that the harm I have previously identified is not outweighed by the matters raised by the appellant in respect of security and the appearance of other premises and the area generally.

Conclusion

10. For all the above reasons, I conclude that the roller shutters and housing box result in significant harm to the character and appearance of the building and the wider terrace. Although the harm is not substantial³ in terms of the MCA as a whole, they nonetheless fail to preserve or enhance the character and appearance of the MCA.
11. As such, the development conflicts with Policy BE1 of the Hammersmith & Fulham Core Strategy (2011) and Policies DMG3 and DMG7 of the Hammersmith & Fulham Development Management Local Plan (2013) which, taken together, require alterations to buildings to be of a high standard of design and protect and enhance the character, appearance and setting of Conservation Areas. The appeal fails on ground (a) and planning permission is refused.

² Planning guidance Supplementary Planning Document: Design

³ National Planning Policy Framework (2012), paragraphs 132 and 134

Thomas Shields

INSPECTOR