
Appeal Decision

Site visit made on 25 April 2017

by Andrew McGlone BSc MCD MRTPI

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

Decision date: 28 April 2017

Appeal Ref: APP/W4705/W/17/3168493
17 Oak Lane, Bradford BD9 4PU

- 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 Mohammed Yasin of Park Gate Fisheries against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/08998/FUL, dated 20 November 2016, was refused by notice dated 6 January 2017.
 - The development proposed is the replacement shop front with integrated shutters & replacement extract flues.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. I could see from my site visit that the shop front, integrated shutters and replacement extraction flues had already been installed. I have therefore determined the appeal on this basis.

Main Issues

3. The main issues are: (i) whether the proposed development would preserve or enhance the character or appearance of the St Paul's Conservation Area (SPCA); (ii) whether the proposed extraction flues would adversely affect the living conditions of nearby current and future residents, with regards to odour and noise; and (iii) the effect of the proposed development on the accessibility of the building.

Reasons

Character and appearance of the SPCA

4. The appeal site lies on the corner of Oak Lane and Mansfield Road. The site forms part of a row of three storey high terraced properties that are used for various commercial uses on the ground floor. The properties have ornate first and second floors, with some, but not every shop front containing a stall riser, pilaster, cill, cornice and fascia. The site lies on the edge of the SPCA which extends to the south and west. Oak Lane rises steadily away from the traffic light controlled junction to the east. Locally, the area is characterised by two and three storey high stone properties. Elsewhere on Oak Lane there are modern shop fronts with security shutters and level access.
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5. On approach to the site, the Oak Lane and Mansfield Road elevations are very apparent due to the site's prominent corner location and the design of the property which addresses both street scenes. Hence the extraction flues, especially due to their bare metal finish, stand out next to the buff coloured stone. Also, the multiple flues create a pronounced and discordant appearance. While, they could be powder coated black, I do not consider that this would result in a harmonious form of development, as they would still significantly stand out against the buff stone. Even though, I recognise the appellant's willingness to find a solution by moving them. However, my findings relate to the proposal that is before me which I consider results in considerable harm to the character and appearance of the SPCA.
6. Evidently the previous shop front included an external roller shutter. Other commercial premise on Oak Lane, also in the SPCA benefit from a form of external security shutter. The exception was the 'Eyecare outlet' on the opposite corner to the appeal site which has internal roller shutters. Nonetheless, the Council's '*A Shopkeepers Guide to Securing their Premises Supplementary Planning Document*' (SGSPSPD) does set out that *any new or replacement security measures will be assessed against the guidance and design principles set out in this SPD*. Design Principle 2 of the SGSPSPD explains that *there will be a strong presumption against the provision of solid external roller shutters*.
7. Despite the condition of the former and current security shutters, the proposal does not accord with design principles 2 and 4 of the SGSPSPD, even though I recognise the external security shutters nearby. Added to this, a case has not been made by the appellant that demonstrates that *they have fully considered the use of internal security measures* as advocated by design principle 1 of the SGSPSPD. While the proposed shutters would provide a safe and secure environment as sought by Policy D4 of the Replacement Unitary Development Plan for the Radford District (RUDP), I am not satisfied that a case has been sufficiently made for their use. Thus, I consider that they have an adverse effect on the character and appearance of the SPCA.
8. Turning now to the Council's fourth reason for refusing planning permission. While I share the view of the Council's Design and Conservation Officer (DCO) with regards to the use of aluminium frames, I note the DCO's concern with the large expanse of glazing on both elevations and the suggestion that they are sub-divided. While no specific addresses have been given by the appellant, the nearby florist included large expanses of glazing. However this property, others in the terrace and those to the west of the site on Oak Lane, generally benefit from the use of mullions to break up the glazing. These form part of the character and appearance in this part of the SPCA and would not necessarily affect visibility into a premise after daylight hours.
9. I recognise that the glazing doesn't protrude forward of the stall riser. Yet, unlike the former shop front, the appeal scheme does not break up the overall amount of glazing. As the site is prominently located, even though it is not in the city centre and despite the investment made in the premise, I do not consider the design of proposed shop front is consistent with the character and scale of the area in this regard. Conflict would arise with saved RUDP Policy D13. As a result, I do not consider that this aspect of the proposal would enhance the character and appearance of the SPCA.

10. Drawing these matters together and with regard to paragraph 134 of the National Planning Policy Framework (the Framework) the harm to the SPCA would be less than substantial. Even so this still amounts to a harmful impact which adversely affects the significance of the SPCA as a heritage asset. As a result of the proposal, I understand the former timber shop front and very old non-compliant extraction system have been replaced to ensure that stock is not damaged and customers can access the site safely. Furthermore, the proposal would result in economic investment in the area helping to improve safety. These are all public benefits. However, the harm to the SPCA and the site would, to which I attach considerable importance and weight, in my view, clearly outweigh these modest public benefits.
11. For these reasons, I conclude on this issue that the proposed development would not preserve or enhance the character or appearance of the SPCA. As a result, the proposal would not comply with saved RUDP Policies D1, D13, BH7 and BH8, the SGSPSPD and paragraph 134 of the Framework. Collectively these, among other things, seek a high standard of design in conservation areas that is well related to the character, design and scale of the existing building and the street scene it forms part of, including a strong presumption against the provision of solid external roller shutters.

Living conditions

12. Two separate extraction flues extend up the flank elevation of the premise from the ground floor to above the eaves line. Although I understand the flues may have been diverted as best as possible to avoid the top opening first floor windows in the flank elevation, both are below the site's ridge line and extend partly across two first floor windows. However, the appellant explains that the first floor is used as storage, even if there are no plans of the first floor before me to confirm this. While the plans show access to the upper floors is from inside the premise and is not separate, there is an external door in the flank elevation facing Mansfield Road. I also noted the first floor windows had vertical blinds fitted and the property benefits from a second floor. To the rear, there are residential properties in Mansfield Road in close proximity to the site. Thus, I am not satisfied that the proposed flues achieve a sufficient height so that odours do not adversely affect nearby residents.
13. Even if the appellant was willing to provide additional information, and the Council did not request such details prior to refusing planning permission, details of the extraction flue have not been provided with the appeal. During my visit, the premise was operational and I noted a humming noise from the flues, even with passing vehicular traffic on Oak Lane. Consequently, without such information, I cannot be confident that the proposed extraction flues adequately suppress noise and vibration from their use.
14. For these reasons, I conclude on this issue that the proposed extraction flues would significantly adversely affect the living conditions of nearby current and future residents, with regards to odour and noise. The proposal would not comply with saved RUDP Policies D1 and UR3; which jointly seek, among other things, to not have an adverse effect on the amenity of prospective or existing users and residents of adjoining land.

Accessibility

15. Access into the appeal property and others within the terrace is not level due to the steady rise of the footway along Oak Lane in front of the appeal site. I understand the ground floor level has not changed and remains at the same height. However, the former shop front contained separate access points onto Oak Lane and Mansfield Road. The proposed new shop front includes a sole point of access and large sections of glazing instead of the former entrances. Thus, the shop front was not changed directly in line with the former shop front and the appeal scheme is a new form of development, despite the other premise in the area. While there are footways in front of the site on both elevations, I am not persuaded that the appeal scheme demonstrates that reasonable efforts have been undertaken to ensure the premise would be accessible to all. The proposal does not therefore facilitate an adequate means of access for everyone in society.
16. I therefore conclude, on this issue that the proposed development would have a significant adverse effect on the accessibility of the building. The proposal would conflict with saved RUDP Policy D3 and the Council's Shopfront Design Guide Supplementary Planning Document; which together seek to ensure development proposals make reasonable efforts to achieve access to the premise in an equitable and unobstructed manner.

Other Matter

17. I note the appellant's enthusiasm to rejuvenate and regenerate the premise which they have occupied for a number of years along with the wider area and the extraction system needs to be replaced. However, these matters do not alter or outweigh my findings on the proposal before me, which I have considered on its merits.

Conclusion

18. For the reasons set out above, I conclude that the appeal should be dismissed.

Andrew McGlone

INSPECTOR