
Appeal Decision

Site visit made on 21 April 2017

by B M Campbell BA(Hons) MRTPI

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

Decision date: 8 May 2017

Appeal Ref: APP/P5870/C/16/3162089

108 Central Road, Worcester Park KT4 8HU

- 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 Golden Images against an enforcement notice issued by the Council of the London Borough of Sutton.
 - The enforcement notice, numbered EC14/0078, was issued on 29 September 2016.
 - The breach of planning control as alleged in the notice is without planning permission, the installation of an external roller shutter and shutter box on the front elevation of the building.
 - The requirement of the notice is to remove the external roller shutter.
 - The period for compliance with the requirement is 6 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.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Preliminary matter

2. The Council says it has deliberately under-enforced by only requiring the roller shutter and not the shutter box to be removed. In so doing, by way of s173(11) of the Act, once the requirement to remove the roller shutter has been complied with, planning permission shall be treated as having been granted for the shutter box.

Main Issue

3. The main issue in this case is the effect of the roller shutter on the character and appearance of the area.

Reasons

4. Central Road is a traditional linear shopping street lined, in the main, on both sides with parades of individual shop units below one or two upper floors. The appeal property is situated within designated primary shopping frontage. During trading hours, the shop fronts and window displays provide interest, positively contributing to the attractiveness and vitality of the street scene.
5. When down, the blind at the appeal property infills the entire area below the shop fascia and between the two side pilasters, completely obscuring the ground floor shop front. The articulation provided by the shopfront itself with two display windows to either side of a recessed entrance, and any interest from the window display, is hidden by a solid red featureless screen. Whilst I

appreciate that the shutter is only down out of trading hours, the blanked out frontage erodes the attractiveness of the parade within which it is situated and the character of the traditional commercial street scene. The featureless "dead" frontage is unattractive and unwelcoming.

6. The Appellant says there was a roller shutter on the premises before that currently installed. Since that has been removed, however, it does not present a fall back. The new shutter to replace it requires planning permission and the fall back is now no shutter at all.
7. I am aware that there are a good number of other solid roller shutters within the Worcester Park District Centre but there are also many properties with either no shutters at all or with shutters of an open nature. For example, to one side of the appeal property at No.110 is an open grill shutter which secures the frontage whilst still enabling an appreciation of the shopfront and window display behind. The contrast with the blank frontages created by the solid roller shutters at the appeal property and at No.106 to the other side is marked. These solid shutters and others that I saw demonstrate the harmful effect that they have on the street scene when they are down. In addition, it is evident from the graffiti on them, including on the shutter at the appeal premises, that they do encourage anti-social behaviour.
8. The Development Plan for the area includes the Council's Core Planning Strategy and the Site Development Policies DPD. The roller shutter conflicts with Core Policy BP12 and Site Development Policy DM1 in that it does not respect the local context or distinctive local character and does not incorporate design principles that deter crime and reduce the fear of crime. The shutter detracts from, rather than enhances, the commercial character of the streetscape.
9. There is also conflict the requirement of policy DM3 to contribute positively to the street scene. In addressing alterations to shopfronts, that policy in particular requires compliance with the Council's *Urban Design Guide SPD* which at 3.84 and 3.85 discourages solid shutters as they are considered to create blank intimidating frontages, increasing the fear of crime. In contrast, open facades which encourage activity, interest and natural surveillance are promoted. Further similar advice is provided in the Council's *Designing Out Crime SPD*.
10. Given the clear conflict with the policies of the Development Plan and supplementary guidance, if permission was to be given for this roller shutter without special justification, the Council would find it difficult to apply its adopted planning policies to resist other proposals for similar shutters. The cumulative effect of even more solid shutters would be an extremely uninviting and unattractive shopping street outside of normal trading hours.
11. If the Appellant considers the Council is applying its policies in an inconsistent manner then that is a matter which it can take up with the authority.
12. On the main issue, I conclude that the roller shutter damages the character and appearance of the area. The appeal on ground (a) fails.

B M Campbell

Inspector