

Appeal Decisions

Site visit made on 4 July 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 2 August 2017

Appeal A: APP/W4705/W/17/3172054
former 10 to 14 High Street, Keighley BD21 2AA

- 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 Christopher Henry Suddaby against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/09168/FUL, dated 30 October 2016, was refused by notice dated 3 February 2017.
 - The development proposed is replacement shop front and fascia board, retractable canopy and mounted roller shutter.
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Appeal B: APP/W4705//H/17/3172056
former 10 to 14 High Street, Keighley BD21 2AA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Chris Suddaby against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 16/09219/ADV, dated 16 December 2016, was refused by notice dated 7 February 2017.
 - The advertisement proposed is a shop fascia sign.
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

Procedural Matters

3. With regard to Appeal B, the control of advertisements is exercisable only with regard to amenity and safety. The Council do not consider that the proposal would cause harm to safety and I have not been presented with any evidence that would lead me to a different conclusion.

Main Issues

4. Thus, there are no issues relating to safety in this case. Therefore, the main issues are the effect of the proposal on amenity and whether the proposal would preserve or enhance the character or appearance of the Keighley Town Centre Conservation Area in respect of Appeals A and B, and whether it would ensure appropriate access for all in respect of Appeal B.

Reasons

Character and Appearance

5. The site lies on a busy approach to Keighley town centre and is within the Keighley Town Centre Conservation Area (the Conservation Area). The site has a prominent position in a short row of commercial premises between a busy road junction and a pedestrian crossing. The appeal site lies within an area characterised by commercial premises at street level although the style and scale of the buildings within which these ground floor units are located vary along the length of the row.
6. The appeal property is a three storey building. All of the buildings within this row are of a traditional local vernacular and, although the shopfronts vary, those on either side of the appeal property employ a varying range of traditional features and proportions, such as raised and clearly defined stallrisers and entrance doorways recessed into the frontage.
7. These are, however, absent from the proposal before me. Although the glazed window unit to the left of the entrance door does not actually extend all the way to pavement level, the stallriser is minimal and so the visual effect is one of a full height glazed window. Similarly, the fascia above the window is of disproportionately deep and bulky proportions whilst the externally mounted retractable canopy and mechanism adds further bulk to the fascia in an incongruous and disruptive manner.
8. Whilst the retractable canopy and its mechanism hide the roller shutter mechanism and box, I agree that the externally mounted shutter grille would create a dead, somewhat unwelcoming, frontage when closed. This would be at odds with the units to either side and adds weight to my conclusions with respect to the effect of the proposal upon the character and appearance of the surrounding area.
9. The entrance to the unit is an over-sized and slightly off-set doorway, the proportions of which fail to reflect or respect either the proportions of the host building's façade, or those of adjacent units within the row. Nor is the doorway recessed within the frontage. Taken together with the appearance of the glazed window panel to the left and the solid panel to the right of the entrance, the result is a shopfront that is jarringly conspicuous in comparison with those around it, particularly when viewed in the context of the adjoining unit to the west. This relationship in particular serves to highlight the inappropriate proportions and design of the proposal before me.
10. I acknowledge that the fascia is of broadly similar depth to those of the adjacent units to the east. However, as they display more of the traditional features that I have identified above, the proposal would, in my judgement, lack the subtlety of detail and proportions evident in those around it. Together with the pleasingly well-proportioned shopfront at the unit to the west, they contribute positively to the character and appearance of the Conservation Area, something that I find that the appeal proposal would fail to do.
11. Thus, for the reasons set out, in respect of Appeal A, the proposal is contrary to policies UDP3, D1, BH7 and BH8 of the Replacement Unitary Development Plan for the Bradford District (2005)(the RUDP) and the guidance set out in the Shopfront Design Guidance Supplementary Planning Document (SPD).

Together, these policies seek to ensure that the quality of the built environment is maintained and, where practical, improved, development is well related to the character of the locality and proposals for shopfronts in conservation areas are of a high standard of design and sympathetic in style to the character and appearance of the host buildings.

12. The proposal would also, I conclude, cause harm to the character and appearance of the Conservation Area, albeit in the parlance of the National Planning Policy Framework (the Framework) that harm would be less than substantial. Paragraph 134 of the Framework states that where less than substantial harm is caused to the significance of a heritage asset, that harm should be weighed against the public benefits of the proposal.
13. The appellant argues that public benefit arises due to the use of new materials in the improvement of the shopfront. However, I find that the materials, proportions, design, scale and bulky elements of the proposal are harmful to the character and appearance of both the host building and also to the Conservation Area. I do not therefore consider these to be public benefits that weigh in support of the proposal, nor have I been provided with examples of any other public benefits. The proposal in respect of Appeal A would also fail to secure sustainable development as envisaged by the Framework.
14. Although both parties have referred to the provisions of policies BH7, BH13 and D15 of the RUDP and the guidance set out in the SPD, which I have taken into account as material considerations, the provisions of section 38(6) of the Planning and Compulsory Purchase Act 2004 do not apply to advertisement applications and appeals. As the Regulations require that the decision is made only in the interests of amenity, the Council's policies and SPD have not, in themselves, been decisive. Nonetheless, for the reasons set out above in respect of Appeal B, I conclude that the proposal causes harm to amenity in the terms set out above.

Access

15. With regard to Appeal A, the Council is concerned that the detailed design, proportions and appearance of the shopfront, together with the stepped threshold from pavement level into the shop, would fail to provide inclusive access for all, as required by RUDP policy D3 and the guidance in the SPD. I agree.
16. In my judgement the shopfront design fails to provide a clear definition between shop frontage and pavement, or between the glazed window units and frameless glazed doors. The absence of a recessed doorway, in keeping with the prevailing form of recessed shopfront entrances, means that any difference in levels from street level to internal level cannot be addressed within that recess. In the terms set out in RUDP policy D3 and the SPD, the proposal fails to provide adequately inclusive access for all.

Conclusion

17. For the reasons set out, and having considered all other matters raised, I conclude that both appeals should be dismissed.

Graeme Robbie INSPECTOR