

Appeal Decision

Site visit made on 19 July 2017

by Grahame Kean B.A. (Hons), PgCert CIPFA, Solicitor HCA

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

Decision date: 15 August 2017

Appeal Ref: APP/M0655/C/16/3163724

24 Powell Street, Latchford, Warrington, Cheshire, WA4 1LA

- 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 Mr S B Entwistle against an enforcement notice issued by Warrington Borough Council.
 - The enforcement notice was issued on 5 October 2016.
 - The breach of planning control as alleged in the notice is described as follows: without planning permission, a galvanized metal roller shutter has been installed within the front elevation of No.24 Powell Street, as shown in Appendix 2.
 - The requirements of the notice are:
 - a) Remove the unauthorised galvanized metal roller shutter which has been installed within the front elevation.
 - b) Make good the front elevation of the building by way of matching brickwork and inserting windows in the same position, and of the same size and proportions as existed prior to the installation of the roller shutter door, or, just matching brickwork.
 - The period for compliance with the requirements is 60 days from the date on which this notice takes effect.
 - The appeal is proceeding on the ground set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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Summary of Decision

1. The appeal is dismissed and the enforcement notice upheld.

The appeal on ground (a) and the deemed application for planning permission

Main issues

2. The main issues are: firstly, the effect of the development on the character and appearance of the area; secondly, its effect on highway safety; and thirdly, its effect on the living conditions of occupiers of neighbouring properties.

Character and appearance

3. The appeal property is in a prominent corner of the dog-leg portion of Powell Street, a one-way road accessed from Knutsford Road. It is a traditional two-storey terraced residential street within Latchford village centre.
 4. The premises have seen a variety of industrial or commercial uses. The main frontage is on Powell Street where two double doors provide access, a remnant of its former use as a cinema. The main part of the building comprises the large hall with the original ceiling décor. On the day of my visit this area was
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- mostly empty apart from two classic cars that appeared to be undergoing repair work.
5. The roller shutter door has been installed on the Powell Street elevation thus enabling it to be the main access for delivery of materials to the building. The door is some 4.7m high and 3.5m wide and can accommodate HGV vehicles.
 6. The appeal building is not in residential use yet, in terms of its existing scale, proportions and materials, the size and design of its other openings is not unsympathetic with the character and appearance of the nearby dwellings. The roller shutter door is of galvanised metal construction, painted buff to match the brickwork. However its excessive size and materials form an incongruous addition to the front elevation of the building in that it fails to reinforce the distinctive pattern and scale of windows and doors elsewhere in the terrace.
 7. The appellant provides no explanation of what purpose is intended to be served by the roller shutter and no reasoning as to why an appeal has been made seeking permission under ground (a). Two statutory declarations are provided as to the historic use of the premises before the shutter door was installed. I do not find anything in these declarations that is helpful to the appellant's case as far as concerns the planning merits of the development.
 8. Of the photographs supplied one shows the front elevation with the shutter door reduced in size. It is annotated "alternative treatment to roller shutter door". Whilst it is not exactly clear whether the appellant is suggesting that permission might be granted for a lesser form of development, I have considered this possibility. Even so, the "alternative treatment" shows a door of the same width above the existing double doors on either side, and also has a large white fascia advertising a commercial use above it. This treatment in my view still fails to reflect in a positive way the prevailing pattern of frontages, especially given the prominent location of the appeal building.
 9. I find from the foregoing that the location of the roller shutter door, its size and appearance including the materials used, make it appear as an incongruous addition to the front elevation of the building and is unsympathetic to the character, appearance and function of the street scene. The harm caused is contrary to Warrington's Local Plan Core Strategy 2014 (LPCS), Policy QE7 which seeks among other matters to ensure that development reinforces local distinctiveness and enhances the character and appearance of the street scene.

Highway safety

10. The appeal premises currently house vehicles which have to be driven or transported over the kerbed footway to enter the site, which would undermine the safety of pedestrians. As constructed the roller shutter door could accommodate large HGV vehicles which would be likely to cause congestion in traffic at this location. Powell Street is a one way street where there is on-street parking and no turning point for vehicles to reverse into the building. These conditions significantly limit the ability of larger vehicles to manoeuvre without detriment to highway safety. Retention of the shutter door would therefore impact adversely on the safety of pedestrians, cyclists and drivers.
11. On this issue I conclude that the roller shutter door fails to provide a safe and effective method of servicing for the appeal property contrary to LPCS Policy QE6 in that it fails to give adequate consideration to traffic movement to, from

and within the site and would have an unacceptably harmful effect on pedestrian, cycling and vehicular users of the highway network. The development would also conflict with LPCS Policy MP7 in that it has not been demonstrated that it will not significantly harm highway safety.

Living Conditions

12. It has not been suggested that the use of the roller shutter door could be regulated by means of conditions as to its hours of use or the numbers or types of vehicles that may gain access to the premises through it. Additional noise and disturbance from its opening and closing and vehicular movements would arise from its unfettered operation close to residential dwellings. Such use would in my view interfere unreasonably with the living conditions as normally experienced by the occupants of neighbouring properties.
13. Therefore the retention of the roller shutter door conflicts with LPCS Policy QE6 in that it would lead to an unacceptable increase in noise and disturbance to future occupiers or those currently occupying adjoining or nearby properties.

Conclusion

14. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

Formal decision

15. 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.

Grahame Kean

INSPECTOR