
Appeal Decision

Site visit made on 20 May 2019

by Steven Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS

an Inspector appointed by the Secretary of State.

Decision date: 25 July 2019

Appeal Ref: APP/Z4718/Z/19/3223512

Gohar Superstore, Church Street, Paddock, Huddersfield HD1 4TR

- 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 Abbah Hussain against the decision of Kirklees Council.
 - The application Ref 2018/62/94134/W dated 14 December 2018, was refused by notice dated 21 February 2019.
 - The development proposed is the formation of a canopy with roller shutters to the front of the shop.
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 1 July 2019.

Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the submission of the appeal, an updated version of the National Planning Policy Framework (February 2019) (the Framework) has been published by the Government. This is a material consideration in planning decisions. In relation to the main issue in this appeal, Government policy has not materially changed, and it was not therefore necessary to invite any further comments from the different parties involved.
3. On 27 February 2019 and after the refusal of the application, Kirklees Council adopted its new Local Plan. It has confirmed that policies in the earlier Unitary Development Plan have now been superseded. It has submitted copies of the newly adopted policies and the appellant has been given an opportunity to comment upon them. Therefore, I have determined the appeal based on policies in the Kirklees Local Plan 2019 (LP) and in the Framework.
4. The appellant has stated that he would be willing to negotiate with regard to the size, position and design of the proposed development. However, I have determined the appeal based on the submitted plans.

Main Issue

5. The main issue is the effect of the proposed development upon the character and appearance of the area.

Reasons

6. The appeal building is a two storey, stone built, detached Victorian property. There are no abutting buildings and there are highways both to the front and to the rear: it stands alone.
7. The area is generally characterised by a mixture of two storey, stone built, terraced, Victorian properties and more modern, brick built terraced residences including a high rise block. There are several commercial premises, mostly concentrated along Church Street, some of which have perforated roller shutters. Buildings are generally sited with an open area between their front elevations and the adopted pavement, and generally they have flat frontages with a general absence of additions or canopies, especially on Church Street. Properties directly opposite the appeal building are terraced dwellings with individually allocated grassed front amenity spaces.
8. The appeal property is set back from the adopted pavement and the intervening area is used for the display of goods for sale including items such as fresh fruit and vegetables.
9. The proposed development is described as a canopy but is a single storey extension with a roller shutter facing Church Street: it would provide protection for the goods on display. It would be a single storey canopy extending the full length of the building of some 9.5 metres and would project in front of the ground floor elevation by about 2.4 metres. It would have an eaves height of approximately 3 metres and an overall height of about 4 metres. It would be constructed with steel posts with a lean-to slate or tile roof. The front of the canopy, facing Church Street, would have a roller shutter and which the appellant suggests could be of a perforated form.
10. The appellant refers to similar canopies elsewhere in the area. However, I have no further details before me of such other canopies. In any event, I have considered the proposed development on its individual merits.
11. The proposed development, by reason of its position in front of the existing building, would be an incongruous feature in the street scene where such canopies and additions are absent. Moreover, its proposed size would have a significant, adverse visual impact when seen alongside the smaller commercial properties and dwellinghouses in the street scene. In addition, even though there are already roller shutters on properties in the immediate area they are not as large as the proposed roller shutter which would, as a result, have a substantial adverse effect on the character and appearance of the area.
12. I therefore conclude that the proposed development would be contrary to policy PLP24(b) of the LP which requires developments to respect and enhance townscape character, and with policy PLP25 (a and c) which requires that shop fronts should be consistent with the design of their existing buildings and with

the character of the locality. Furthermore, I conclude that it would be contrary to chapter 12 of the Framework which places great emphasis on the need for good design.

Conclusion

13. For the reasons outlined above, and taking into account all matters raised, I conclude that the appeal should be dismissed.

Steven Hartley

INSPECTOR