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## Appeal Decision

Site visit made on 17 September 2019

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 25<sup>th</sup> November 2019**

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**Appeal Ref: APP/W3005/W/19/3229622**

**Happy House (Classic Canton), 23 Kingsway, Kirkby-In-Ashfield NG17 7DR**

- 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 Li against the decision of Ashfield District Council.
  - The application Ref V/2019/0180, dated 24 April 2018, was refused by notice dated 29 April 2019.
  - The development proposed is install a metal rolling shutter in the exterior of the main front entrance for security purposes. It will cover the main entrance along with the windows on either side of it.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The metal rolling shutter has already been installed and therefore I am considering this appeal retrospectively.

### Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

### Reasons

4. The appeal property is situated within a row of commercial properties on Kingsway, a main thoroughfare through the market town of Kirkby-In-Ashfield. Each of these properties has residential accommodation on the first floor and retail use on the ground floor with associated commercial shopfronts and signage on their front elevations facing the highway. The area of Kingsway to the north of the appeal site is predominately commercial with the area to the south (past the row of commercial units) being largely residential.
5. The roller shutter box stretches across the main fascia, about 5 metres or so, and projects from the front elevation of the building. The steel shutters, when deployed, cover most of the width of the shopfront and extend down about 2.5 metres over the door and about 1.3 metres over the side windows, with a wall below. They are painted bright red with yellow vinyl lettering on the roller shutter box. The scale and protrusion of the roller shutter box spanning much of the shopfront has a negative visual effect. Although they were not lowered at the time of my visit, the extent of the shutters would exacerbate that visual

harm to the façade of this modest mid-terrace building and be likely to draw the eye of passers-by.

6. Although the appellant refers to other neighbouring premises with shutters, the Council advises that approaching the appeal site in a southerly direction from Station Street, there are 36 commercial properties. Of these, the Council says that 13 have shutters but that only 5 benefit from formal planning permission (granted some time ago), with the others unauthorised. That appears to be in accord with what I saw on my site visit, with most shopfronts uncovered and without shutters.
7. Paragraph 127 of the National Planning Policy Framework (the Framework)<sup>1</sup> advises that decisions should ensure that development, amongst other things, helps to create attractive, welcoming and distinctive places to live, work and visit and that it is sympathetic to local character. Policy SH8(g) of the Ashfield Local Plan Review (adopted November 2002) (ALPR) indicates that security measures should not have an adverse effect on the character and appearance of the area. The supporting text to the policy also identifies at paragraph 7.36 that *'the erection of external roller shutters can have a significant impact both individually and collectively on the street scene.'*
8. Where shopfronts do have roller shutters, such as at the neighbouring commercial property at No 25 which were lowered when I visited, I consider that they have a generally unfavourable effect on the character and appearance of the area, create an unwelcoming impression, even more so if shut during the day. As the Council has indicated that many of the shutters do not have planning permission and given that I consider they have a harmful effect, I do not consider that they set a persuasive precedent in support of the proposal. In any event I have considered the appeal scheme on its own merits and the fact that similar external roller shutters have been installed on other properties on Kingsway does not outweigh the harm I have identified above.
9. Given that the appeal property is a hot food takeaway which does not normally open until 5pm, it is likely that the shutters would be lowered during much of the day which would create an inactive frontage and an unwelcoming environment. Consequently, I consider that the installation of a further roller shutter on this part of Kingsway harms the character and appearance of the street scene and the area. Whilst the appellant has expressed a willingness to only lower the roller shutters at night, that would not sufficiently mitigate the overall harm and may be unduly restrictive or prove difficult to enforce, even if it could be secured by some form of retrospective condition.
10. I also note the point raised by the appellant in relation to previous incidents of crime and vandalism being the reason for the installation of the roller shutter. However, whilst I am sympathetic to those security concerns, the Council advises that it has a scheme in place providing financial incentives for businesses in the area to install less visually-obtrusive security measures in order to deter criminal activity whilst improving local character and amenity. Whilst the appellant says that the internal layout of the premises makes it unsuitable for internal shutters, the Council advises that other options may be available. There is limited evidence before me to show that other possible options have been fully explored.

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<sup>1</sup> Published February 2019

11. I therefore conclude that the development harms the character and appearance of the area. Consequently, it conflicts with saved Policies ST1 and SH8 of the ALPR which, amongst other things, aim to promote good design and to protect the character, quality and amenity of the local environment. It would also conflict with paragraphs 127 and 130 of the National Planning Policy Framework which require good design aiming to create places that are attractive, welcoming and that development is sympathetic to or improves the quality of an area.

**Conclusion**

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

*C Coyne*

INSPECTOR