
Appeal Decision

Site visit made on 2 December 2019

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 December 2019

Appeal Ref: APP/W4705/C/19/3228043

Land at 507 Otley Road, Bradford BD2 4QL

- 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 Ms Sau Mei Ng against an enforcement notice issued by City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 16 April 2019.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of an externally mounted roller shutter, shutter box and associated guide rails to the front elevation of the building on the land, as shown in the attached photograph.
 - The requirements of the notice are: Remove the unauthorised roller shutter, shutter box and associated guide rails from the front elevation of the building on the land.
 - The period for compliance with the requirements is twelve calendar 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. Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the installation of an externally mounted roller shutter, shutter box and associated guide rails to the front elevation of the building on land at 507 Otley Road, Bradford BD2 4QL shown on the plan and photograph referred to in the notice.

Appeal on ground (a), deemed planning application

Main Issue

2. The main issue in this case is the effect of the development on the character and appearance of host property and the surrounding area and their impact on the fear of crime.

Reasons

3. The appeal premises are situated within the Undercliffe Local Centre on Otley Road which the Council advise is designated as a Transport Corridor. The shutters and shutter box have been installed to protect the shop frontage

within the ground floor of the premises which is in use as a hot foot take-away. At the time of my visit the shutters were down.

4. I appreciate that in some instances, roller shutters can create a visually uninspiring frontage to a building, reducing the interest it displays to those passing and so diminishing their enjoyment of the street scene. In addition, the 'hostile' appearance of shutters and the opportunities they create for vandalism can add to a fear of crime.
5. For these reasons the Council's Supplementary Planning Documents, Shopfront Design Guide, adopted October 2007 (SDG) and A Shopkeepers Guide to Securing their Premises, adopted December 2012 (SPD) set out design advice for security measures on shop fronts. In general, the guidance seeks to resist external solid roller shutters with bare metal finishes and external roller shutter boxes on listed buildings, in conservation areas and in any retail area as defined in the replacement UDP. Whilst I have had regard to these, I nonetheless appreciate that when assessing a specific development, weight must also be given to its context and nature in order to establish whether or not harm is caused.
6. A significant number of the commercial properties along Otley Road and neighbouring Killinghall Road already have external roller shutters. A number of these are of some age and might never have been granted planning permission, but they nonetheless form part of the established street scene. Consequently, the roller shutter and its box on the appeal property are not an isolated or uncommon feature. I appreciate that the bare metal of the shutter appears harsh, but it is clear that the appellant has sought to alleviate that appearance by retrofitting a perforated section. It is also understood that the shutters have been installed after a spate of vandalism and crime affecting these premises.
7. The property is a contemporary semi-detached building. It does not therefore have a traditional shop frontage and nor is it situated within a conservation area. However, the existing shop front matches that of the adjoining premises in terms of its materials and design. I noted on my visit that the adjoining premises also had a roller shutter and external box fitted, and in the case of both properties, the shutters boxes are positioned at fascia level and respect the proportions of the original shop front.
8. Taking into account all of the above matters, the box and shutter does not appear incongruous on the host property or within the street scene. Moreover, whilst I understand the Council's concerns about the effect of the shutters on the perception of security and the fear of crime, the amount of shuttering in the vicinity already, means I find that any additional harm the works bring in this respect is not sufficient to warrant a refusal.
9. Accordingly, I conclude that the shutters do not detract unacceptably from the character or appearance of the host property or surrounding area and do not add appreciably to any fear of crime. As such, they do not conflict with the design principles of Policies DS1, DS3 or SC9 of Bradford's Core Strategy Development Plan Document, adopted 2017 or the National Planning Policy Framework. Any conflict with the SDG and SPD is not sufficient to warrant a refusal.

Conclusion

10. For the reasons given above, I conclude that the appeal succeeds on ground (a). I shall grant planning permission for the installation of an externally mounted roller shutter, shutter box and associated guide rails to the front elevation of the building as described in the notice and no conditions are deemed necessary.

Elizabeth Pleasant

INSPECTOR