
Appeal Decision

Site visit made on 8 January 2020

by Neil Smith BA Hons BTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 January 2020

Appeal Ref: APP/X5990/Z/19/3239607

Basement and Ground Floor, 105 Westbourne Grove, London W2 4UW

- 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 Mrs Emilie Martinsen Konigsfeldt against the decision of City of Westminster Council.
 - The application Ref 19/04828/FULL, dated 13 June 2019, was refused by notice dated 27 August 2019.
 - The development proposed is described as the 'erection of external solid roller shutters for the shop front - for safety and security. Our glass shopfront can be easily broken in by vandalism, we have expensive machinery, furniture and IT equipment in the clinic, vandalism has happened on several occasions recently on Westbourne Grove. Further along, other shops are also fitted with roller shutter, this additional safety is also in the interest of the public'.
-

Decision

1. The appeal is dismissed.

Procedural matter

2. I saw from my site visit that the external solid roller shutters have been installed. The roller shutters reflect the plans that were considered by the Council at application stage and I have determined the appeal on this basis.

Main Issue

3. The main issue is whether the roller shutter preserve or enhance the character or appearance of the Westbourne Conservation Area (CA).

Reasons

4. The appeal site is a four-storey, mid-terraced building. It has a retail unit on the ground floor, which is occupied by a shop specialising in healthcare treatments. There are a variety of shopfront designs along this part of Westbourne Grove and there is a mix of retail and commercial units.
5. The appeal site is in the Westbourne CA, a designated heritage asset. This part of the CA is characterised by a range of architectural styles with three and four-storey buildings, with the ground floors built out with Victorian and twentieth-century shopfronts. The shopfront of the appeal property has been updated, however it still retains some original cornice features, and its historic form makes a significant contribution to the character and appearance of the CA.

6. The appeal proposal is for external solid roller shutters to the shop front. The roller shutters are housed in a black protruding box which matches the shopfront and is just above the shop front window.
7. The Council has produced a document entitled 'Design Guidelines for Shopfront Security'. The guidelines provide advice on the most appropriate means of providing shopfront security, while maintaining the visual amenity of a building and area. In particular, the document states that the installation of any external shutters will not normally be acceptable on buildings which make a significant contribution to the character or appearance of a CA.
8. When closed, the solid roller shutters detract from the visual appearance of the building and produce 'dead frontage' with limited light spill, in a street creating an unwelcoming effect. For these reasons, the projection and size of the external shutter box as an addition to the existing shopfront, and the appearance of the solid roller shutter itself when in use, present an inharmonious and obtrusive appearance to the shopfront of the property.
9. The appellant argues that the glass shopfront can be easily broken in to, and that vandalism has happened on several occasions recently on Westbourne Grove. Whilst the proposal improves immediate security for the premises themselves, it detracts from wider public security in terms of the street-scene. I am aware there may be other measures which can be explored, including the use of alarms; laminated and toughened glass; an internal lattice or brick bond grille; and CCTV. I note that the appellant has not provided any compelling reason as to why the use of solid shutters would be the only appropriate solution in respect of security in this instance, and I find that this omission further undermines the case in support of the development.
10. The appellant has also drawn my attention to other shopfronts at No's 80, 86, and 107 which have external boxes attached to the shopfront. However, in these instances they house retractable awnings which, when not in use, would not result in dead frontages. I have also had regard to the shopfront at No 99, however, I do not have the full details of this case, or whether it benefits from planning permission, and I cannot be certain of any direct comparison with the appeal proposal. I also have had regard to the shutters at 30 Hereford Road, however, in that case, they do not cover the majority of the shopfront and do not have an external housing box. For these reasons, this scheme has had little bearing on the outcome of this appeal.
11. The appellant has also supplied a copy of a Listed Building Consent for the installation of roller shutters at a property in the Main Concourse, Victoria Station, London. The appellant has also provided two appeal decisions from Cardiff and Sheffield. These locations are likely to have a different local planning context and the effects of the proposals on the character and appearance are likely to be different. For these reasons the decisions are not directly comparable development to this scheme. In any event, I have determined this appeal with particular regard to its own planning merits.
12. The proposal has a detrimental effect on the significance of a designated heritage asset and would result in 'less than substantial' harm under paragraph 196 of the National Planning Policy Framework (the Framework).
13. The Framework requires such harm to be weighed against the public benefits of the proposal. The proposal is for external solid roller shutters and there are

some minor public benefits in relation to improved security for the premises. The public benefits would not outweigh the less than substantial harm.

14. The appeal proposal, by reason of its detailed design and relationship to the existing shopfront, would result in an obtrusive and incompatible form of development, poorly related to and at odds with the established and historic pattern of development. The statutory duty in Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is a matter of considerable importance and weight. The development neither preserves or enhances the character or appearance of the CA. This weighs considerably against the proposal.
15. For similar reasons, the proposal conflicts with Policies S25 and S28 of the Westminster City Plan (November 2016) and Policies DES 1, DES 5, DES 9 of the City of Westminster Unitary Development Plan (24 January 2007) and the City of Westminster 'Design Guidelines for Shopfront Security' which seek, amongst other things, development to be of the highest standards of sustainable and inclusive urban design, architectural quality and to conserve its extensive heritage assets.

Conclusion

16. For the reasons above the appeal is dismissed.

Neil Smith

INSPECTOR