The Planning Inspectorate

Appeal Decision

Site visit made on 14 January 2020

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2020

Appeal Ref: APP/L2820/W/19/3234797
46 Gold Street, Kettering, Northamptonshire NN16 8JB

- 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 EC Holdings Limited against the decision of Kettering Borough Council.
- The application Ref KET/2019/0170, dated 13 March 2019, was refused by notice dated 3 June 2019.
- The development proposed is installation of perforated security roller shutter to external shop front.

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the Kettering Conservation Area (CA).

Reasons

3. Gold Street was incorporated into the CA as part of an extension to the CA boundary in 2007 to include the Town Centre as a whole and further key historical buildings which are situated within it. Along Gold Street, contemporary development is interspersed by attractive traditional buildings such as the three-storey parade that No 46 is situated within. The proportions of this building and its detailing including decorative stonework to first and second floors positively contribute to the significance of the CA. The ground floor of No 46 is currently occupied by the Pancake Shop and incorporates a recessed predominantly glazed shop front.

4. The Kettering Borough Shopfront Design Guidance Supplementary Planning Document (2010) (the SPD) states amongst other things that external shutters which completely obscure the shopfront present a hostile, bleak street scene. They invite graffiti and fly posting and can deter people from entering these areas in the evenings when general surveillance is a good form of security. Paragraph 127 of the National Planning Policy Framework (the Framework), amongst other things requires that development adds to the overall quality of an area and maintains a strong sense of place including building types and materials which create attractive, welcoming and distinctive places to live, work and visit.

5. Even accounting for the perforation proposed, the overall composition of the shutter would read as a predominantly solid structure. This would be particularly the case when viewed from an angle. When in its descended position, the shutter would present a harsh and unattractive elevation at street level. The anthracite grey finish whilst matching other elements of the shop front would not overcome the harm caused to the appearance of the building as a result of the enclosing effect of the proposal. Consequently, the proposal would not be sympathetic to the traditional character of the building nor would it reflect the generally more open nature of shop fronts in the CA and as a result would fail to preserve or enhance the character or appearance of the CA.

6. The appellant suggests that the proposal is a visual improvement on the previous situation where the unit was vacant and has also drawn my attention to several existing roller shutters on premises within the town centre and the general quality of shop fronts. However, the unit at No 46 is occupied and I must consider the proposal based on the current situation. Where roller shutters are present in the town centre or where the quality of shop fronts do not positively contribute to the significance of the CA, this is not an aspect of the CA that should be repeated as this would only result in further incremental erosion of the character and appearance of the CA.

7. Taking into account the scale of the proposal and that it relates to a single unit in the CA, the roller shutter would result in less than substantial harm to the character and appearance of the CA. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

8. It has been drawn to my attention that the unit subject to this appeal was previously vacant for several years and that there are other vacant units in the town centre. However, there is no substantive evidence before me to suggest that the reason for this relates to security issues or the absence of a roller shutter. The appellant suggests the occupier specifically requested a roller shutter before entering into their lease. However, the unit is now occupied and is therefore operational without the proposal. I am therefore not convinced that the proposal is a necessity to secure the optimum viable use of the building or to help retain the vitality and viability of the town centre.

9. The roller shutter has the potential to improve security of the unit when it is closed to the public and the Police Authority's comments support this general principle. However, this would be a private benefit and the examples of roller shutters provided by the Police Authority are of a more open nature. Whilst I sympathise with the appellant in respect of the recent break in, I note this took place to the rear of the premises and I have no substantive evidence before me which indicates the front of the unit, or the current use, are at a particularly high risk for crime. Furthermore, it has not been demonstrated that alternative less visually intrusive security measures could not be effective in this instance. The roller shutter would reduce the attractiveness of the area as a place to visit when units are closed. This in itself has the potential to make the area less welcoming and reduce natural surveillance. Therefore, any tangible public benefits as a result of the proposal are likely to be modest.

10. I must pay special attention to the desirability of preserving the setting of the CA. Taking the above issues into consideration, I find that there are no public benefits of a sufficient weight to outweigh the less than substantial harm that would result from the proposal.

11. To conclude, the proposal would have a harmful effect on the character and appearance of the CA. Consequently, in that regard, the development would be contrary to Policies 2 (Historic Environment) and 8 (North Northamptonshire Place Shaping Principles) of the North Northamptonshire Joint Core Strategy (2016). The proposal would also conflict with Saved Policy 33 (Environment: Advertisements, Signs and Shopfronts) of the Local Plan for Kettering Borough (1995), Policy 12 (Heritage Conservation and Archaeology) of the Kettering Town Centre Area Action Plan (2011) and the Framework.

Other Matters

12. A lack of objection from statutory or neighbouring consultees does not override the need to consider the proposal against the policies of the development plan and the Framework.

13. The appellant has drawn my attention to what they consider to be negative design aspects which led to them ruling out an open mesh/grille shutter. Nevertheless, this does not justify the harm that would result from the appeal proposal.

Conclusion

14. For the above reasons the appeal is dismissed.

M Russell

INSPECTOR