



Appeal Decision

Site visit made on 17 September 2019

by C Beeby BA (Hons) MIPROW

an Inspector appointed by the Secretary of State

Decision date: 9th March 2020

Appeal Ref: APP/J0540/W/19/3232530
208 Lincoln Road, Peterborough PE1 2NQ

- 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 M Sharifi against the decision of Peterborough City Council.
 - The application Ref 19/00300/FUL, dated 26 February 2019, was refused by notice dated 27 June 2019.
 - The development proposed is the erection of an external canopy.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Policies from the Peterborough Core Strategy Development Plan Document (2011) and the Peterborough Planning Policies Development Plan Document (2012) referred to by the Council in refusing permission have been superseded by policies from the Peterborough Local Plan ("the PLP") of July 2019, which has been adopted since the appeal was submitted. I must base my decision on the development plan prevailing at the time of my determination. In light of this, the main parties have had the opportunity to provide submissions in writing on the relevance of the new PLP to the case.

Main Issues

3. The main issues are:
 - The effect of the proposal on the character and appearance of the area; and
 - Whether the proposal would minimise opportunities for crime and antisocial behaviour.

Reasons

Character and appearance

4. The appeal site is a retail premises which has a prominent position at the junction of Lincoln Road and Cambridge Avenue. The site is highly visible as a result of its location on the bustling Lincoln Road. Goods are displayed under an existing canopy which lies to the front of the site.

5. The site has planning permissions¹ for a canopy which would be open to all sides. The proposed canopy differs from that previously approved in that it would have a green painted finish rather than black, and would include a glazed side panel.
6. However, the front and side elevations of the canopy are currently partially enclosed by metal mesh and sheet metal. The Council confirms that these elements generally do not have planning permission. The existing canopy is therefore somewhat more enclosed than that which carries permission.
7. Lincoln Road has a spacious appearance at this point, which arises from its relatively wide pavements. The set back of business premises from the road contributes to this appearance, as adjacent areas used as forecourts are generally open even if they are used for the display of goods or advertisements. The permitted open elevations of the existing canopy at the site would be in keeping with this spacious appearance.
8. The appeal proposes the removal of the existing canopy and its replacement with a canopy which would include the glazed side panel. The panel would extend approximately 3 metres from the front elevation of the premises.
9. The scale and solid design of the glazed panel would result in a prominent and impermeable boundary which would interrupt the spacious appearance of the surrounding street scene and the generally open character of areas used as business forecourts. Its reflective surface, height and width would create an incongruous and highly visible enclosing effect which would not relate well to the surrounding area given the lack of similar features in the vicinity. These effects would be particularly apparent as a result of the site's location on a busy road. The proposal would cause unacceptable harm to the area's character and appearance as a result of these factors.
10. It is additionally likely that, in view of the scale of glazing proposed and its exposure to the elements on one side, the feature would be difficult to maintain in a clean state, with the potential for harm to the appearance of the area in this regard.
11. Thus, the proposal conflicts with Policy LP16 of the PLP, which sets out that development proposals should positively contribute to the character and local distinctiveness of the area. Further conflict exists with Policy LP18 of the PLP, which states that proposals for the installation of canopies should not detract from the character of the surrounding area. Additional conflict exists with Design Principle 3: Blinds and Canopies of the Peterborough Shopfront Design Guidance, which sets out that forecourt canopies should not include permanent side panels.

Crime and antisocial behaviour

12. The appeal site is located on a busy road and close to the city centre and nearby bus stops. An active night-time economy is formed by a number of local restaurant, hot food takeaway and convenience store businesses. The area is therefore likely to be subject to a significant level of footfall during the hours of darkness. It is subject to a high number of reported crimes and other incidents, according to evidence from the police. A high proportion of these relate to the area's night-time economy.

¹ Local Planning Authority References: 18/00778/FUL and 18/01661/FUL

13. The site's urban location and the proximity of premises which are likely to attract those who have taken excessive alcohol suggest that a proportion of these incidents are likely to involve antisocial behaviour such as damage to features of the street scene, during the hours of darkness.
14. As a prominent glazed feature of a substantial scale which would lie adjacent to the area used as footway, the panel would be highly visible to passing pedestrians. As a result of this visibility and the vulnerabilities of glazed surfaces to damage by antisocial behaviour, the panel is likely to attract such damage.
15. Furthermore, the police consider that the proposed glass panel is likely to attract criminal damage, and in view of the above considerations and the absence of substantive contradictory evidence I see no reason to depart from this view.
16. I acknowledge the appellant's intention for the glazed panel to prevent the alleged theft of goods on display under the canopy, however I consider that the layout or design of display stands could reasonably be altered in order to prevent any such occurrences. Therefore the appeal proposal does not represent the only means by which the appellant could address such concerns. As a result, I attach only minimal weight to the matter in determining the appeal.
17. The proposal would consequently fail to minimise opportunities for crime and antisocial behaviour. It therefore conflicts with Policy LP16 of the PLP, which states that proposals will be required to demonstrate that they are designed to minimise crime and antisocial behaviour.

Other Matter

18. Any concerns regarding the potential for cigarette smoke to affect the appeal premises could be addressed under other statutory regimes. Therefore I do not consider that the glazed panel is the only means available to the appellant to seek to deal with such matters. Accordingly, this is a submission to which I attach only minimal weight in determining the appeal.

Conclusion

19. For the reasons given above, I conclude that the appeal should be dismissed.

C Beeby

INSPECTOR