
Appeal Decision

Site visit made on 18 February 2020

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2020

Appeal Ref: APP/W4705/C/19/3239088

Land at 32 Town Gate, Wyke, Bradford BD12 9NT

- 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 Mr Usman Hussain against an enforcement notice issued by the City of Bradford Metropolitan District Council.
 - The enforcement notice was issued on 10 September 2019.
 - The breach of planning control as alleged in the notice is without planning permission:
 - i) the installation of an externally mounted roller shutter, shutter box and associated guide rails on the front elevation of the premises, as shown in the photographs attached to the notice.
 - ii) The erection of black hoarding on the front elevation of the premises, as shown in the photographs attached to the notice.
 - The requirements of the notice are:
 - i) Remove the unauthorised externally mounted roller shutter, shutter box, associated guide rails and black hoarding.
 - ii) Remove from the land all materials resulting from the removal of the externally mounted roller shutter, shutter box, associated guide rails and black hoarding.
 - iii) Make good any damage caused to the property as a result of compliance with the requirements of the notice.
 - The period for compliance with the requirements is 12 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.
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Decision

1. The appeal is dismissed, and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

The appeal on ground (a) and the deemed planning application

2. The main issue is the effect of the roller shutter, shutter box, associated guide rails and hoarding on the character and appearance of the building and the surrounding area.
3. The appeal property is a relatively small stone built single storey building of straightforward appearance, positioned at an oblique angle to but facing the public highway. The immediately surrounding context is that of a typical high street, albeit relatively small scale, with various styles of buildings in commercial uses at ground floor level. Many of the buildings are traditional stone-built buildings which have been much altered, some unsympathetically, to accommodate the various uses nevertheless, their traditional character is evident.

4. Notwithstanding the appeal buildings set back position which means that some views on approach from a broadly northerly direction are restricted, it nevertheless occupies a prominent position fronting what I observed at the time of my visit, to be a relatively busy road.
5. The roller shutter, shutter box, associated guide rails and hoarding obscure almost the entire frontage of the building when lowered, which combined with the projection of the shutter box and hoarding above the eaves and roof slope results in a significantly dominant and incongruous appearance that is readily apparent in public views. Consequently, I find that the development has a significantly harmful effect on the appearance of the appeal building and the quality of the street scene.
6. At my site visit I noted shutters installed on a number of surrounding properties however, I do not know the circumstances of those being permitted or whether the Council have control over them. In any event, the examples I saw were largely limited to confined areas covering only the windows and doorways, contained between openings. Consequently, they are not directly comparable to the appeal development. In any event, the presence of roller shutters does not indicate a level of acceptability and the slow degradation of the qualities of the area by uncontrolled roller shutters does not justify granting planning permission.
7. The Council recognises the importance of securing shop fronts and its Supplementary Planning Document (SPD) A Shopkeepers Guide to Securing their Premises (December 2012) aims to facilitate that objective by developing high quality shopfronts. Although the appellant stated that the ceiling height is limited which makes it impossible to install shutters internally, they have provided no substantive evidence to demonstrate that they have considered alternative designs. For example, laminated security glass and necessary frame strengthening, anti-shatter film or internal lattice and Brick-Bond grilles as explained in the SPD at section 2.
8. I have had regard to the photograph submitted by the appellant, which shows the building when in use as a pet store. However, the effect of moveable displays is not comparable to the permanent effect of the development subject of the appeal in either appearance or scale. Consequently, this and that the building is not listed or in a conservation area are not matters which alter my judgement.
9. Overall, for the reasons given above, I conclude that the roller shutter, shutter box, associated guide rails and hoarding cause unacceptable harm to the character and appearance of the appeal building and the area, contrary to Policies DS1 and DS3 of the Local Plan for the Bradford District Core Strategy (Adopted July 2017). Together these policies require development proposals to contribute to achieving good design and high-quality places and creative attractive streetscapes. The development also conflicts with the design aims of the National Planning Policy Framework.

Other matters

10. Whilst I acknowledge that the appellant was not aware that planning permission was required, this has no bearing on the planning merits of the development.

11. For the above reasons and with regard to all other matters raised, I conclude that the appeal on ground (a) should not succeed.

Conclusion

12. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Felicity Thompson

INSPECTOR