The Planning Inspectorate

Appeal Decision

Site visit made on 21 July 2020

by G Rollings BA (Hons) MAUD MRTPI

An Inspector appointed by the Secretary of State

Decision date: 4th August 2020

Appeal Ref: APP/H1033/W/20/3247934
86 Low Leighton Road, New Mills, SK22 4PJ

- 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 Dr Rasiah Kugan against the decision of High Peak Borough Council.
- The application Ref HPK/2019/0494, dated 7 November 2019, was refused by notice dated 7 January 2020.
- The development is the installation of a security roller shutter to the front of shop covering the glazed shop front.

Decision

1. The appeal is allowed and planning permission is granted for security roller shutters to the front of the shop, covering the glazed shop front, at 86 Low Leighton Road, New Mills, SK22 4PJ in accordance with the terms of the application, Ref HPK/2019/0494, dated 7 November 2019, as shown on the plans submitted with the application, plan refs "Existing elevation plan (shop front) scale 1:1000", "Side elevations", "Front elevation", and "Shop door & window plan view", all of which are undated.

Procedural Matters

2. The development has already occurred, and the aforementioned plans accord with what I observed on site. I visited the site when the shop was open with the shutters raised, and closed with the shutters lowered and secured.

3. The description of development on the application form (as used at the top of this letter), the appeal form and the decision notice made reference to only one roller shutter. The plans and other evidence indicated that there are two separate areas of the shop where shutters are installed, which matches my own observation. It is clear that the appellant's intent was to apply for multiple shutters, and that the Council considered the application and appeal on this basis. I have therefore used a slightly different description of the development in my decision at paragraph 1, to ensure that the permission reflects what has been installed on site.

4. The Council's refusal notice refers to *High Peak Local Plan* (2016) (the 'Local Plan') policies, specifically Policies S1 and EQ7. This appears to be an error as all other evidence refers to Policy EQ6 in place of EQ7, and I have been supplied with a copy of the former but not the latter. I have therefore referred to Policy EQ6 in my decision, and omitted mention of Policy EQ7.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the area.

Reasons

6. The appeal site accommodates a two-storey building with the shop at ground floor level and a residence above, on a prominent corner of a busy road. It is not part of a shopping parade or centre and it stands alone on its corner, although there is a takeaway, hire shop and pub on the other corners of the intersection. The shopfront is arranged along the long edge of the building, which faces the intersection. It is recognisable as a shop within the street scene, due in part to the large, brightly coloured fascia signs installed along its length, and the 'busy' appearance of the frontage when the shop is open, with the addition of the bright yellow shutters when closed.

7. The appeal building is not architecturally outstanding and the existing shop features combine to provide it with an incongruous appearance when viewed in conjunction with the more muted appearance of surrounding buildings, including the non-residential uses. However, it is clearly identifiable as a 'corner shop' and acts as a recognisable visual reference, or identification point, in the street scene. As such, its incongruity is not necessarily harmful to the street's overall appearance or character. The shutters are housed in bulky boxes at the base of the fascia signs, and are visible when the shutters are in their open and closed positions.

8. Given the inherent incongruity of the shop's appearance, its visually clamorous characteristics and its prominent location, the shutters serve to reinforce the noticeability of the shop and therefore its local function and place within the street scene. Accordingly, their presence does not result in incremental harm to the appearance of both the building and the street.

9. The *High Peak Design Guide*, adopted by the Council as a supplementary planning document in 2018, suggests that certain types of shopfront shutter have a detrimental visual effect and that alternative means of securing premises could be more appropriate. I have considered the parties' comments on the security and viability of the premises. Whilst opaque shop shutters can increase the perception of crime, which in turn can negatively affect the perception of an area's character, the shop is surrounded by predominantly residential uses, and the corner and streets leading from the site had with a high level of activity even after the shop was closed and the shutters drawn. This activity suggests that such a perception has not been to the detriment of the area. I acknowledge that alternative security measures could have similar or alternative effects; however, when balanced in conjunction with the absence of harm identified above, I consider the shutters to be appropriate.

10. I therefore conclude that the development does not have a harmful effect on the character and appearance of the area. There is no conflict with Local Plan Policies S1 and EQ6, which set out the Council's sustainable development principles and require development to contribute positively to an area's character and appearance, amongst other considerations. These are consistent with the *National Planning Policy Framework* (2019), particularly paragraphs 91, 127, 130, which promote measures of social interaction, safety, and well-designed places.

Conclusion and Conditions

11. For the reasons given above I conclude that the appeal should be allowed.

12. Neither of the main parties have suggested any conditions to be applied to the permission. Given that the development is in place and the relevant plan details are included within the decision at paragraph 1, I agree that no conditions are required.

G Rollings

INSPECTOR