
Appeal Decision

Site visit made on 17 November 2020

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2020

Appeal Ref: APP/N4720/W/20/3258917

19 South Queen Street, Morley LS27 9EW

- 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 Julie Zhu (Morley Chinese Acupuncture and Herbs Clinic) against the decision of Leeds City Council.
 - The application Ref 20/01932/FU, dated 25 March 2020, was refused by notice dated 3 July 2020.
 - The development proposed is roller shutters to front and rear of property.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. In the banner heading above I have used the description of development as stated on the decision notice as it is much more concise than that on the application form. The appellant's evidence suggests that she now only proposes roller shutters over the shop front and door rather than all those proposed in the application. However, no amended plans to that effect have been provided. Given this, and as I am normally required to deal with an appeal on the basis of the same plans that informed the Council's decision, I have determined the appeal on the basis that it was originally applied for.

Main Issue

3. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Morley Town Centre Conservation Area.

Reasons

4. The appeal property is located within Morley Town Centre Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. The conservation area covers the civic and commercial core of the town and includes many fine nineteenth century buildings that reflect the industrial activity, commercial prosperity and civic pride of the time.
5. Although within a short walk of the retail core of the town, South Queen Street is predominantly a residential area, albeit there is a medical centre and pharmacy on the opposite side of the road. There is a mix of Victorian terraces,

a converted mill, and more modern infill housing. No 19 is a Victorian property located in the middle of an otherwise residential terrace. The former mill building, and the Victorian terraces, make a positive contribution to the conservation area as they are typical of the areas surrounding the town centre whose mix of residential and industrial buildings reflect the rapid 19th century expansion of the town.

6. Policy BD7 of the *Leeds Unitary Development Plan Review 2006 (adopted July 2006)* (UDP) indicates that, in order to ensure that areas remain attractive after shops have closed, solid shutters are only considered acceptable in exceptional circumstances. More detailed guidance is provided in the *Shop Front Security Design Guide* (SFSDG). In particular, this provides advice on how to provide effective security in ways that will not adversely affect the appearance of the building or wider area.
7. The proposed solid roller shutters would be white in colour to match the shop front. They would be housed in externally mounted shutter boxes. These would protrude beyond the existing front and rear elevations of the building, and so would be visually obtrusive features. The shutters and their boxes would neither complement, nor be sympathetic to the architectural detailing found on both the host property and the rest of the terrace.
8. The solid nature of the shutters would mean that when down they would not allow any visibility into the building and would create a “dead” frontage to the street, which would be detrimental to the street scene. Moreover, in the middle of a terrace of otherwise residential properties they would appear an incongruous feature.
9. The appellant has suggested that the shutters are necessary as both the shop front window and door have been damaged on a number of occasions. It is also argued that they would improve the security of the unit. However, I have not been given any evidence to suggest that alternative security solutions as suggested in the SFSDG have been considered, and that they would not be able to provide the same level of security. Nor does this provide any justification for the need for shutters for the first floor window at the front or the door and ground floor window at the rear, particularly as I observed the rear of the property to be relatively inaccessible from the public realm.
10. In support of the appeal my attention was drawn to some other retail properties in the area that have externally fitted roller shutters. However, I observed that many of the shops and commercial premises in the area did not have any form of roller shutters, whilst others had internally fitted ones, or measures such as metal grilles, both of which cause less visual harm to the street scene. In any case, those units with externally fitted solid shutters confirmed that inappropriate security measures create a dead frontage and a poor quality street scene. Thus, they do not justify allowing a visually detrimental scheme on this premises.
11. Overall, I consider that the roller shutters would fail to preserve, and would unacceptably harm, the character and appearance of Morley Town Centre Conservation Area. Consequently, the proposal would conflict with Policies P10, P11 and P12 of the *Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted September 2019)* which seek to ensure that developments respect the character of the area, and conserve and enhance the historic environment. It would also be contrary to Policies GP5, BD6, and BD7

of the UDP which require that developments resolve detailed design considerations and respect the scale, form, detailing and materials of the original building, and that solid shutters on shop fronts are only allowed in exceptional circumstances. Having regard to paragraph 196 of the *National Planning Policy Framework*, whilst the harm caused to the conservation area would be less than substantial, there are no public benefits from the proposal that would outweigh the harm caused.

12. For the reasons set above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR