



Appeal Decision

Site visit made on 8 January 2021

by Grahame Gould BA MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd February 2021

Appeal Ref: APP/D5120/Z/20/3254885

47 The Oval, Sidcup DA15 9ER

- 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 Miss Billie-Vicki Rose against the decision of the Council of the London Borough of Bexley.
 - The application Ref 19/02403/FUL, dated 3 October 2019, was refused by notice dated 12 May 2020.
 - The development proposed is described as 'Installation of Roller shutters electrically operated with tubular motor laths 1.3mm thick. Solid Powder coated black. Installed to existing shopfront windows'.
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Decision

1. The appeal is dismissed.

Procedural matter

2. A roller shutter has been installed, as per the details shown on the submitted drawings, and I have therefore treated the development as having occurred. The shutter that has been installed comprises black painted solid metal laths and the roller mechanism is in an external housing.

Main Issue

3. The main issue is whether the development has preserved or enhanced the character or appearance of The Oval Conservation Area (the CA).

Reasons

4. The appeal premises (the ground floor of No 47) is one of 28 commercial premises making up The Oval local shopping centre. The commercial premises, together with the flats above, the open space in front of the commercial premises and a block of six flats (The Triangle) make up the CA.
5. The CA was designated in February 1992 and its Area Appraisal and Management Plan of 2009 (the CA Appraisal) explains that the special architectural or historic interest of this CA derives from, amongst other things: the unusual oval street pattern with open landscaped area; 1930s architecture in an Arts and Craft style; and the strong visual effect of the curvilinear parade set against the openness of the landscaped open space.
6. The CA Appraisal refers to a negative feature for the CA as being the '*... introduction of solid security shutters to shop fronts ... detracting from the form and style of the buildings and the character of the conservation area*'

(paragraph 7.19). Amongst the opportunities identified by the Council to enhance the CA is a desire to '*... ensure security shutters are of the highest quality and that installation of internal shutter box and steel roller shutters (portcullis) are preferred*' (paragraph 7.26 of the CA Appraisal).

7. When I undertook my site visit the roller shutter was in the down position and its appearance was therefore fully apparent. The shutter is of a very functional design and when closed it obscures views of the interior of No 47 and has a blank and uninteresting appearance. I consider that the shutter's appearance detracts from the vibrancy of the shopping centre.
8. During my site visit I saw that six other premises have had roller shutters installed, while another property has an open grille type shutter. However, no planning history for those other shutters has been submitted and I therefore do not know the circumstances that have given rise to their installation. I have therefore considered the appeal development on its own merits.
9. This parade of commercial premises was originally designed with a uniform appearance. That uniformity has to some extent been diluted through the undertaking of numerous shopfront alterations, for example the installation of replacement shopfronts and awnings and the use of modern fascia level signage. However, I consider those alterations to the parade's appearance are compatible with maintaining its vibrancy as a local shopping centre and that is something which I am of the view cannot be said of the shutter that has been installed at No 47.
10. For the purposes of paragraph 196 of the National Planning Policy Framework I consider that the shutter's installation has given rise to 'less than substantial harm' to the CA, which is harm that should be weighed against any public benefits for this development. The roller shutter has been installed to meet a private security need, following a break in and a separate incident concerning the breaking of the premises' windows. The appellant has provided no indication as to whether other means of security provision were considered and possibly discounted prior to the shutter's installation. There may therefore be other ways to secure these premises that would be of a less functional and more sympathetic appearance, along the lines outlined in paragraph 7.26 of the CA Appraisal. I consider no public benefits outweighing the less than substantial harm caused by the roller shutter to the significance of this heritage asset have been demonstrated to be present.
11. I therefore conclude that the shutter has neither preserved nor enhanced the CA's appearance. I therefore consider that this development is contrary to Policy ENV39 of the Bexley Council Unitary Development Plan of 2004 (the UDP). That is because this development's design is incompatible with the character of the surrounding area and is adversely affecting the streetscene within the CA and has not taken due account of deterring crime against private property while maintaining an attractive environment. I also consider that this development is contrary to Policy ENV46 of the UDP because it has neither preserved nor enhanced the appearance of the CA¹. The installation of a solid shutter with an external mechanism housing also gains no support from the Council's shopfront design advice included in its 'Design and

¹ The wording within Policy ENV46 being consistent with the statutory duty stated in Section 72(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990

Development Control Guideline 7 – Design Guidance for Shopfronts and Advertisements’.

12. I, however, consider that the CA’s character would continue to be preserved, because, in land use terms, the installation of the shutter continues to enable No 47 to be used for commercial purposes.

Conclusion

13. For the reasons given above the appeal is dismissed.

Grahame Gould

INSPECTOR