



Appeal Decision

Site Visit made on 26 July 2021

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2021

Appeal Ref: APP/P0240/Z/21/3266716

Vrancea Ltd, 37 High Street North, DUNSTABLE, LU6 1HX

- 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 Carlo Khron, on behalf of Vrancea Ltd, against the decision of Central Bedfordshire Council.
 - The application Ref CB/20/03208/FULL, dated 9 September 2020, was refused by notice dated 10 November 2020.
 - The development proposed is Retrospective: Installation of perforated roller shutter to the front of the shop.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Central Bedfordshire Local Plan (LP) was adopted 22 July 2021. Consequently, the South Bedfordshire Local Plan and Policy BE8 of this plan has been replaced by the new LP. The Council has identified that policy HQ1, from the LP, is now relevant to this case. The appellant has been given an opportunity to reply to this change in circumstances and I have taken into account all comments received in relation to this matter. Also, the proposed works have already been undertaken and I shall take this into account in my decision.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character and appearance of the Town Centre Conservation Area (TCCA).

Reasons

4. The appeal site is within the town's shopping area. It consists of a small shop unit within a parade of three similar premises and a wider range of retail units of various styles and heights. The parade consists of largely traditional brick and rendered buildings that provide a variety of services within a high street setting. As an occupied shop unit within a traditional style of building, the appeal site complements the wider streetscape. It therefore makes a positive contribution to the surrounding area.
5. My statutory duty¹, requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (the

¹ section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990

Framework) requires great weight to be given to an asset's conservation when considering the impact of the proposal on its significance. The TCCA consists of a variety of buildings, many of which within close proximity of the site, have historical and architectural interest. The significance of the conservation area seems to derive from the range of historic buildings, its commercial focus and the positioning of buildings within a clearly defined historic street pattern.

6. The proposed perforated shutters would allow some light to filter through when they are lowered. However, the shutter would largely be read as a solid form, due to the small size of the perforations. As a result, the shutter would not enliven the frontage and would instead have a visually deadening effect on the high street. With very few local similar examples, the proposal would be a discordant addition to the predominant character of the streetscene. It would therefore result in a substantial adverse impact on the character and appearance of the area, especially at night due to its foreboding effect on the high street. This would also create the visual impression of a high crime area, that might necessitate overt security measures to protect goods from theft, further harming the character of the area. The roller shutters detract from the appearance of the shopfront and the positive contribution it would otherwise make to the wider streetscape at night.
7. As a result, the proposed roller shutters would fail to preserve or enhance the character and appearance of the conservation area. The proposal would therefore fail to satisfy policy HQ1 of the LP which seeks, inter alia, for development to take opportunities to enhance or reinforce local distinctiveness. The proposal would also fail to address the requirements of chapter 9 of the Council's Design Guide which supports only 'lattice style' external security grills and only then when it would not harm the external appearance of the building. The proposal would result in less than substantial harm to the conservation area, rather than substantial harm as advocated by the Council. Nevertheless, the proposal would not result in the provision of any clear public benefits, as required by paragraph 202 of the Framework, that might outweigh this harm.

Other Matters

8. My attention has been drawn to a number of local shopfronts with security grills. The unit of 42 High Street North (opposite the site) contains an open lattice design that would appear to comply with the Council's established guidance. The shop units of 1 Albion Street (next door) and 53 High Street North have perforated shutters. These do not appear to be recent, and no evidence demonstrates that these have gained planning permission. Furthermore, they illustrate the deadening effect of such features and do not establish a precedent that encourages such development to be replicated. These are therefore of limited merit in favour of the proposal.

Conclusion

9. The proposal would harm the character and appearance of the conservation area and would conflict with the development plan when taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty (INSPECTOR)