
Appeal Decision

Site Visit made on 10 September 2021

by Scott Britnell MSc FdA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2021

Appeal Ref: APP/P5870/W/21/3268093

268-270 High Street, Sutton SM1 1PG

- 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 Lidl GB Limited against the decision of the Council of the London Borough of Sutton.
 - The application Ref DM2020/01338, dated 14 August 2020, was refused by notice dated 23 December 2020.
 - The development proposed is external alterations to the building and alterations to the car park.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal was submitted prior to the Government publishing the National Planning Policy Framework 2021 (the Framework). I sought comments from the main parties with regards to this matter and no responses have been received.
3. The proposal includes alterations to the appeal building (the building) and the car park to the rear. It appears that a number of these have already been carried out. The Council do not object to the majority of the proposed changes, rather their objection relates specifically to the removal and bricking up of the existing entrance doors (the doors) onto the High Street elevation of the building.
4. The Council's decision notice and suggested conditions refer to drawings 10660-E-010 and Maxi 1. The appellant has confirmed that drawing 10660 E 010 Revision B was considered as part of the application and that the Council omitted the reference to the revision letter B in their decision notice. This revised drawing includes the creation of a large, glazed opening on the High Street frontage to serve a bakery. The appellant also confirms that drawing UK-R8-RMMO-01 is the drawing referred to in the Council's decision as Maxi 1. The Council has not disputed that this is the case. Consequently, I have proceeded on the basis of the drawing numbers that the appellant has set out.
5. The Council has mentioned that the site is identified within the Sutton Local Plan 2016-2031 (February 2018) (LP) as an allocation under Policy STC25. This identifies the site for mixed use comprising residential and retail. Given the appeal does not relate to a change of use or comprehensive redevelopment of the site, I agree with the Council that this policy is of little relevance in this case.

Main Issues

6. The main issues are the effect of the proposal on the character and appearance of the building and area and the vitality and viability of the High Street.

Reasons

Character and appearance

7. The appeal site is located in a prominent location on High Street close to the junction with Marshall's Road in the northern part of Sutton Town Centre. It is occupied by a Lidl retail store with an associated car park to the rear. I observed the shopping centre to be a busy area in terms of both pedestrian and vehicular traffic and that commercial premises have pedestrian entrances onto High Street creating active street frontages.
8. At the time of my visit, the doors did not appear to be in use. Nevertheless, I observed that their presence provides a focal point and visual interest within this prominent and wide elevation. As the appellant notes, the windows along this side of the building do not allow views into the building so that this elevation currently provides no active frontage other than by the doors.
9. The bricking up of the doors would increase the area of inactive blank façade to this frontage and would fail to relate well to the building. Also, by removing the only pedestrian access to High Street the building would retain no active frontage onto this busy road. Whilst these doors may not currently be in use, their entire removal would eliminate the possibility of them being used in the future. As a result, the proposal would significantly diminish the contribution that the building makes to the character and appearance of the area.
10. In reaching this conclusion, I have had regard to the proposed large ground floor window to the High Street elevation, which would afford views into the in-store bakery. Views into this part of the store would also be afforded from the adjacent existing window within the gabled projection. The Council do not object to this element in terms of its effect on the appearance of the building and indeed welcome this aspect of the proposal on the basis that it would add interest and increase interaction with the High Street. This notwithstanding, the bricking up of the doors would diminish the possibility of any real or meaningful interaction with the High Street and would increase the area of inactive blank façade to that frontage. I do not consider that the proposed views into the store in this location would create an active street frontage or mitigate that harm.
11. The Local Development Framework Supplementary Planning Document Creating Locally Distinctive Places Sutton's Urban Design Guide (January 2008) (SPD) states that shopfronts should be open facades that encourage activity, interest and natural surveillance, encouraging people to look into the shop, even after office hours. The appellant indicates that the SPD does not outline a specific requirement for shopfronts to incorporate customer entrance doors, and that other features such as transparent glazing can be used. In addition, the appellant suggests that, according to the National Design Guide, active frontages can also be achieved by way of glazing. However, as I have reasoned above, the proposed new glazing would not overcome the harm that would be caused to the character and appearance of the building and the area as a result of the loss of the doors.

12. The Sutton Town Centre Public Realm Design Guide for Developers and Infrastructure Providers Supplementary Planning Document (January 2020) (Public Realm SPD) states that developments in Sutton Town Centre should contribute an active frontage by limiting blank walls. For the reasons I have set out above, the bricking up of the doors would increase the area of inactive blank façade to the High Street elevation of the building.
13. I conclude that the proposal would cause harm to the character and appearance of the building and the area. There would be conflict with LP Policies 18 and 28. These require new development to provide active frontages at ground floor level and to be compatible with the Council's requirements on shopping frontages, and that development should be attractive and designed to the highest standard, especially with regard to architectural detailing. There would also be conflict with the aims of the Public Realm SPD.
14. The appellant has referred me to Policies D3 and SD6 of the London Plan (March 2021). These require, among other matters, development to provide active street frontages, which for the reasons I have set out above, the proposal would fail to achieve. As such, the proposal would also conflict with these policies.

Vitality and Viability

15. The main parties agree that customers visiting the store are likely to make linked trips to the rest of the town centre. In my view, this is indicative that the store would contribute positively to the vitality and viability of the High Street. However, I note the Council's comments that this is likely to be shoppers visiting on foot and that removing the entrance on High Street would make the store less inclusive and less accessible and would fail to improve the movement of town shoppers.
16. The proposed access to the rear of the building is a short distance from the existing access on the High Street elevation. For shoppers arriving on foot via High Street it would be reached via an easily recognisable and short route along Marshall's Road. Although an entrance from High Street may be more desirable for customers arriving from this direction, there is no compelling evidence before me to suggest that the proposal would prevent such customers using the store. Furthermore, this relatively short additional distance would not significantly impact customers wishing to visit other premises in the High Street after visiting the store.
17. The proposal, therefore, would not create an unacceptable barrier to the movement of town shoppers or make the premises or the shopping centre unacceptably less inclusive or accessible. As such, there is no evidence before me that the proposal would significantly harm the vitality and viability of High Street and the wider area. There would, therefore, be no conflict with the development plan.

Other Matters

18. I have had regard to the appellant's comments in respect of the effect that retaining the doors would have on the operation of the store. I have also considered their comments regarding the current economic climate following the Covid 19 pandemic and the reported decline in the health of Britain's Town Centres, as well as the public benefits that they suggest would be brought

about by the store, including the creation of jobs and consumer choice. There is no cogent evidence before me to suggest that the appellant could not simply keep the doors locked. This would enable them to provide their desired internal layout. While this in itself would create a non-active frontage, it would be less harmful than combining a non-active frontage with an increase to the area of blank façade that would result from the bricking up of the doors. Retaining the doors would also offer greater flexibility for the future operation and configuration of the store.

Planning Balance and Conclusion

19. The proposal would not cause harm to the vitality and viability of the High Street. However, the absence of harm in this regard is a neutral factor in my overall assessment. By contrast, the proposal would result in harm to the character and appearance of the host building and the area.
20. For the above reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, I conclude that the appeal should be dismissed.

Scott Britnell

INSPECTOR