

Appeal Decision

Site Visit made on 26 October 2021

by John Gunn DipTP, DipDBE, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 November 2021

Appeal Ref: APP/B0230/W/21/3274227

Hazma General Store, 223 Beechwood Road, Luton LU4 9RZ

- 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 M Iqbal against the decision of Luton Borough Council.
 - The application Ref 21/00226/FUL, dated 14 February 2021, was refused by notice dated 14 April 2021.
 - The development proposed is the installation of roller shutter under existing canopy.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The National Planning Policy Framework (the Framework) was published in July 2021, the main parties have been given an opportunity to comment on its provisions in regard to the appeal. I have taken any responses into account and referred to the Framework in my decision.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal site comprises a retail premises located on the junction where Beechwood Road and Roman Road cross. The area is characterised by a mix of terraced, semi-detached and detached dwellings interspersed by a small number of commercial buildings. The buildings are set back a modest distance from the highway, with well defined 'building lines' to Beechwood Road and the eastern leg of Roman Road. The western leg of Roman Road has a more varied 'building line', as reflected in the reasoning of an Inspector who dealt with a scheme at Nos 84-86.
5. The proposal would involve the retention of the existing irregular shaped canopy, which has a polycarbonate roof supported by a slender metal frame, and the introduction of punched shutters on all elevations. Support would be provided by more substantive posts, and the appellant has indicated that the colour could be conditioned. The area beneath the canopy is currently used as an outdoor display area.
6. Whilst the proposal would result in a prominent extension to the property frontage it would not be too dissimilar in visual appearance to the existing situation when the premises are open for business. That said, it would be

positioned well forward of No 221 Beechwood Road and directly abut the pavement over a significant part of its frontage. Consequently, when the shutters are closed the mass and scale of the resultant structure would appear as a visually dominant feature on the host property. It would be particularly prominent from the light controlled junction where Roman Road and Beechwood Road cross. As a result, the proposal would appear as a significant and incongruous feature within the street scene.

7. Accordingly, I conclude that the proposal would be harmful to the host property and the character and appearance of the area, in conflict with the relevant provisions of policies LLP1 and LLP25 of the Local Luton Plan 2011 - 2031 and paragraph 130 of the Framework. These jointly seek, amongst other matters, high quality design that enhances the distinctiveness and character of the area by responding positively to the townscape and streetscene.

Other Matters

8. The appellant has drawn my attention to roller shutters that have been installed below canopies in the locality. There are similarities with the appeal proposal. However, in all of the cases cited the structures were located in parades of retail properties where the design of properties is inherently more varied than here. Moreover, in the majority of cases they were set back from the pavement. As a result, they are less visually prominent within the streetscene. In any event, I have not been provided with substantive evidence regarding the context in which the developments were permitted. They do not provide justification for development that would fail to add to the overall quality of the area in the immediate vicinity of the appeal site.
9. With regards to the development allowed on appeal¹, which is in very close proximity to the appeal site, I noted that the canopy was set back from the pavement, a matter that was clearly in the Inspector's mind when allowing the appeal. This is not the case with the current appeal.
10. I accept that the scheme would be beneficial in securing the property after opening hours, and preventing the awning being used for shelter during that time. However, there is no substantive evidence before me in respect of the severity of any vandalism, anti-social behaviour, or littering in this area. Similarly, the particular proposal before me may not be the sole way of improving circumstances in those respects. Consequently, whilst I acknowledge there would be benefits of the scheme, they would not outweigh the significant harm that I have identified would arise in respect of character and appearance.

Conclusion

11. There are no material considerations of sufficient weight to indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I therefore conclude that the appeal should be dismissed.

John Gunn

INSPECTOR

¹ APP/B0230/Z/16/3147764