



Appeal Decision

Site visit made on 26 October 2021

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2021

Appeal Ref: APP/T5150/W/21/3278919

66 Nicoll Road, London NW10 9AS

- 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 N Mehra against the decision of the Council of the London Borough of Brent.
 - The application Ref 21/1313, dated 10 April 2021, was refused by notice dated 7 June 2021.
 - The development proposed is the installation of three open perforated metal shutters to create covered storage area at front of shop.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the banner heading above is taken from the appeal form. I have used it in preference to that which appeared on the planning application form, which was longer and included elements which were not descriptive of the proposed development.
3. The Government published a revised National Planning Policy Framework ("the Framework") on 20 July 2021, replacing the version published in February 2019. Both main parties were given the opportunity to comment on the revised Framework as part of their appeal representations.

Main Issue

4. The main issue is the effect of the proposed shutters on the character and appearance of the area.

Reasons

5. The appeal site is a mid-terraced property, with a shop on the ground floor and residential accommodation above, situated on Nicoll Road close to its junction with Craven Park Road. The surrounding area has a mix of retail and residential uses; Nicoll Road is primarily residential, while the part of Craven Park Road close to the appeal site is dominated by retail and other "high street" uses, with residential units on upper floors. The ground floor shop has a fixed canopy over the front forecourt to Nicoll Road, and the covered area it forms is used during opening hours for the display of goods for sale, in particular large barrels. The existing canopy is a simple open-sided structure of powder-coated

steel posts and beams, with a corrugated sheeting covering. The appellant now seeks to install three roller shutters of perforated metal, to allow the front forecourt to be securely closed off at night and used as a storage area.

6. The front shutter would be around 5m wide and 2.8m high; the side ones would be around 4m wide, and 2.8m high on the right hand side (viewed from the street) and 1.4m high on the left hand side – the left hand one would be shorter as it would meet a half-height wall on the boundary with No 64 Nicoll Road. The submitted drawings show the use of a perforated shutter, which typically would allow limited visibility of the shopfront and goods behind when closed. They would consequently have a largely solid appearance, especially when seen from any sort of distance, and this would give the appeal site a rather harsh and forbidding appearance.
7. The Council's 2018 Shopfronts Supplementary Planning Document ("the SPD") advises that the design of shopfronts should relate in scale, proportion and style to the host building and wider streetscene. I saw at the time of my site visit that although many of the shops on Craven Park Road had front canopies, these were nearly all retractable canvas or similar fabric awnings, and nowhere did I see a freestanding or substantial structure akin to that at the front of the appeal site. Notwithstanding the fact that a certificate of lawfulness for it was issued earlier in 2021¹, because of its design, materials and permanence, the existing canopy at the front of the shop is a feature which does not relate well to the character and appearance of the wider streetscene. The use of shutters to create an enclosed forecourt would result in there being a substantial mass of development at the front of the shop. This would be even more alien in its surroundings than the existing canopy, and in my view would severely detract from the street scene.
8. The SPD also advises that "pin-hole" roller shutters (which I take to include the perforated design proposed in this case) fail to contribute positively to the character and appearance of the streetscene. It states that external shutters will only be acceptable where it can be demonstrated that they are necessary for insurance purposes, and in such cases they should be of an open grille type, powder coated to match the shop front. Although I saw other commercial units on Craven Park Road with external shutters, I have not been made aware of any where they have been used to create an enclosed forecourt as proposed here. The appellant acknowledges that external shutters are not required by his insurers, but has indicated a willingness to use open grille shutters of the type referred to in the guidance. While this would allow more visibility into the appeal site than would be the case with perforated shutters, it would not prevent there being a bulky and visually obtrusive mass at front of the building. The development would remain at odds with the character and appearance of the surrounding area, and the harm this would cause would not therefore be significantly alleviated by the use of open grille shutters.
9. The appellant has drawn my attention to various problems arising from the existing open canopy; these include rough sleeping, youths gathering at night and behaving disruptively, and various littering of the forecourt including paraphernalia related to drug use. At the time of my site visit I saw for myself what appeared to be recent deposits of urine and vomit at the front of the shop. This is obviously unpleasant and distressing for the appellant, and I have

¹ LPA Ref: 21/0125

considerable sympathy for him in facing this sort of thing on a regular basis. However, the creation of a shuttered area at the front would give the shop a fortified appearance quite out of keeping with the character of the wider area and, while it may address the specific problems which the appellant faces, it would be likely to exacerbate a perception or fear of crime in the area. This would cause further harm to the character of the area. Moreover, and notwithstanding the lawfulness of the existing canopy, it is possible that the appellant's problems with antisocial behaviour and so on could be alleviated by the use of a less intrusive retractable awning, which would also have the advantage of being more in keeping with the character and appearance of the wider neighbourhood. Again, while I reiterate my sympathy for the behaviour which the appellant faces, it does not justify the harm which the proposal would cause to the wider area.

10. I conclude therefore that the shutters would be harmful to the character and appearance of the area. The proposed development does not accord with the advice of the SPD, and conflicts with Policies DMP1 and DMP4A of the 2016 Brent Local Plan Development Management Policies. Together these seek to ensure that development, including shopfronts and shop forecourts, is well-designed and complements the locality.

Other matter

11. I accept that, as the appellant suggests, the antisocial (and possibly criminal) behaviour which takes place under the existing canopy is likely to have a detrimental impact on the quality of life for neighbouring occupiers as well as the appellant himself. However, the proposed development would have the effect of making the forecourt of No 64 Nicoll Road more screened from public view than at present and, while that space is not covered, it is possible that antisocial behaviour would merely be shifted rather than eradicated. While there may also be some benefits for neighbours arising from the proposal, for this reason I consider that they are likely to be limited, and accordingly they would not outweigh the other harm which I have described above.

Conclusion

12. The shutters would be harmful to the character and appearance of the area, and the proposal therefore conflicts with the development plan taken as a whole. There are no material considerations, including the Framework, which indicate that a decision should be made other than in accordance with the development plan.
13. For the reasons given above, the appeal is therefore dismissed.

M Cryan

Inspector