



Appeal Decision

Site visit made on 29 November 2021

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8th December 2021

Appeal Ref: APP/N4720/Z/21/3283549

149 Town Street, Armley, Leeds LS12 3HG

- 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 Molenda against the decision of Leeds City Council.
 - The application Ref 21/04459/FU, dated 18 May 2021, was refused by notice dated 1 September 2021.
 - The development proposed is the erection of security shutters.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The security shutters have already been installed and I have determined the appeal on this basis.

Main Issue

3. The main issue in the appeal is whether or not the proposal would preserve or enhance the character or appearance of Armley Conservation Area

Reasons

4. The appeal property is located within Armley Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires special attention to be had to the desirability of preserving or enhancing the character and appearance of a conservation area. The conservation area covers the core of what was once the independent settlement of Armley and the varied built environment within it reflects the long history of the settlement and is a key element of its significance. The *Armley Conservation Area Appraisal (adopted October 2007)* (CAA) highlights that Town Street is one of the original roads through the settlement.
5. The appeal property is a terraced property located on the junction of Town Street and Wortley Road. The building turns the corner, having a frontage to both streets. It is currently used as a beauty salon. The surrounding area, which lies a short distance from Armley town centre contains a mixture of commercial and residential properties. The whole of the terrace of which No 149 forms a part is identified within the CAA as making a positive contribution to the character and appearance of the conservation area.
6. Policy BD7 of the *Leeds Unitary Development Plan Review 2006 (adopted July 2006)* (UDP) indicates that, in order to ensure that areas remain attractive

after shops have closed, solid shutters are only considered acceptable in exceptional circumstances. More detailed guidance is provided in the *Shop Front Security Design Guide* (SFSDG). In particular, this provides advice on how to provide effective security in ways that will not adversely affect the appearance of the building or the wider area.

7. The security shutters are black in colour, matching the shop front, with the shutter boxes being incorporated within the large fascia sign on the building. At the time of my visit, midday on a weekday, the shutters were down, despite the appellant's evidence suggesting that the shop is normally open at this time. Whilst not completely solid, the density of the perforations was such that they gave no views into the building other than being able to detect that lights were on in the building. Thus, although not completely solid shutters, I observed that they still created a "dead" frontage which had an adverse visual impact on the area.
8. The appellant has highlighted that Armley has a high level of crime, including burglaries and criminal damage and that the shutters provide benefits by preventing crime. However, I have not been given any evidence to suggest that alternative security solutions as suggested in the SFSDG have been considered, and that they would not be able to provide the same level of security.
9. In support of the appeal my attention was drawn to the fact that many other commercial properties nearby have unperforated metal shutters. I observed that whilst some buildings have solid external shutters, others did not have any form of shutters, whilst others had internally fitted ones, or measures such as metal grilles, both of which cause less visual harm to the street scene. In any case, those units with externally fitted solid shutters confirmed that inappropriate security measures create a dead frontage and a poor quality street scene. Thus, they do not justify allowing a visually detrimental scheme on this premises.
10. It has been suggested by the appellant that the shop front and shutters provide a unified appearance to the building that is a vast improvement on the previous shop front and its security measures. Be that as it may the appeal proposal is for the security shutters not a new shop front, which has already been installed on the property. Irrespective of what was there previously I have concluded that the current shutters adversely affect the street scene.
11. Overall, I consider that the roller shutters would fail to preserve, and would unacceptably harm, the character and appearance of Armley Conservation Area. Consequently, the proposal would conflict with Policies P10, P11 and P12 of the *Leeds Core Strategy (as amended by the Core Strategy Selective Review 2019) (adopted September 2019)* which seek to ensure that developments respect the character of the area, and conserve and enhance the historic environment. It would also be contrary to Policies GP5, BD6, and BD7 of the UDP which require that developments resolve detailed design considerations and respect the scale, form, detailing and materials of the original building, and that solid shutters on shop fronts are only allowed in exceptional circumstances. Having regard to paragraph 202 of the *National Planning Policy Framework*, whilst the harm caused to the conservation area

would be less than substantial, there are no public benefits from the proposal that would outweigh the harm caused.

12. For the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR