



Appeal Decision

Site visit made on 15 February 2022

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2022

Appeal Ref: APP/J4423/W/21/3283953

Thyme Cafe, 490-492 Glossop Road, Sheffield S10 2QA

- 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 Mrs and Mr Smith and Cooling against the decision of Sheffield City Council.
 - The application Ref 21/02038/FUL, dated 30 April 2021, was refused by notice dated 8 July 2021.
 - The development proposed is Installation of external security shutters to building frontage.
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Decision

1. The appeal is dismissed.

Procedural Matter

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

Main Issue

3. The main issue in this case is whether or not the proposal would preserve or enhance the character or appearance of the Broomhill Conservation Area (The BCA).

Reasons

4. The appeal property is located within the BCA. 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.
5. The BCA was designated in 1977 and it is derived from, amongst other points, the architectural and historic interest of the area 19th Century buildings and villas, the prevalent use of local stone for buildings, boundary walls, gate piers and floorscapes and work by many prominent local architects.
6. The appeal building is double fronted with a recessed entrance door and the overall building is identified as a building of townscape merit in the BCA. It is also located in a District Shopping Centre and the area is mainly commercial with some residential elements.

7. The security shutter is black in colour, as is the external shutter box which extends across the width of the shop. Whilst not a solid shutter, it limits views into the building when deployed and would create a "dead" frontage with an adverse visual impact on the area.
8. The appellant has highlighted the level of crime in the area, and the benefits of the prevention of crime. However, I have not been provided with detail of the alternative solutions considered other than immediate dismissal of internal shuttering with limited justification, and no detail as to how they would not provide the same level of security.
9. I find that, despite the presence of other shutters in the area, which according to the Council are established historically, the presence of another external box and shutters causes a harmful effect to the BCA as a whole. The fact that others exist, these examples do not justify a planning permission, and, in any event, each case should be considered on its own merits.
10. Paragraph 199 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
11. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the limited extent and localised nature of the development, I find the harm to the heritage assets to be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal.
12. As stated previously, the potential avoidance of crime from the shutters has been forwarded as a positive in favour of the proposal, as has the longer-term survival of the business.
13. Consequently, in attributing considerable importance and weight to the identified harm to the designated heritage assets, I find that there are limited substantiated public benefits arising from the proposal which would outweigh that harm. Additionally, no clear and convincing justification for the identified harm has been provided.
14. Accordingly, I conclude that the proposal would not preserve or enhance the character or appearance of the BCA. This would fail to meet the requirements of Sections 72(1) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions within the Framework which seek to conserve and enhance the historic environment.

15. It would also not comply with Policies BE16 and S10 of the Sheffield Unitary Development Plan (1998), Policy DDHM2 of the BBEST (Broomhill, Broomfield, Endcliffe, Summerfield and Tapton) Neighbourhood Plan and Policy CS74 of the Sheffield Development Framework Core Strategy (2009) which collectively, amongst other matters, expect development to be of high-quality design, respecting the distinctive heritage of the city, preserve or enhance the character or appearance of the Conservation Area. In the case of Policy DDHM2 it states that externally mounted shutters will not be acceptable.

Conclusion

16. The proposal would be contrary to the development plan when taken as a whole. There are no other material considerations, including the Framework, which indicate that the decision should be made other than in accordance with the development plan.
17. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR