



Appeal Decision

Site visit made on 25 April 2022

by B Plenty BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2022

Appeal Ref: APP/W2845/W/21/3286469

78-80 Earl Street, Northampton, Northamptonshire NN1 3AX

- 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 Kunal Patel against the decision of West Northamptonshire Council.
 - The application Ref WNN/2021/0043, dated 10 April 2021, was refused by notice dated 16 August 2021.
 - The development proposed is for a change to shop Front, new entrance doors and ATM fitted.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed development has already been undertaken. I shall take this into account in my assessment of the visual effect of the proposal.

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character or appearance of the Boot and Shoe Quarter Conservation Area (BSQCA), and
 - the effect of the proposed ATM on the safety of its users.

Reasons

Character and appearance

4. The appeal site is a commercial unit within in an urban setting. The property is within a row of buildings that are located on the back of the footway. The appeal premises is within a brick building with several interesting decorative features. It has been adapted to accommodate commercial use and includes illuminated signage, a modern doorway and the application of materials that has denuded the appearance and quality of the original building somewhat.
5. The site is within the BSQCA. The statutory requirements¹ entail that special attention be paid to the desirability of preserving or enhancing the character and appearance of a conservation area. Furthermore, paragraph 199 of the National Planning Policy Framework (The Framework) requires great weight to

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

be given to an asset's conservation when considering the impact of a proposal on its significance. The BSQCA consists largely of rows of terrace housing interspersed with factory buildings built at a time when the boot and shoe industry was a major contributor to the City's economy. The significance of the conservation area seems to derive from its strongly recognisable character, tight-knit pattern of development, palette of materials and consistency of built form. The appeal property conforms with these characteristics and therefore makes a positive contribution to the character and appearance of the area.

6. The proposed Automated Teller Machine (ATM) has been installed within the former doorway of the building, below the decorative broken pediment. Accordingly, the ATM has been installed where a doorway once stood. This has resulted in a substantial and harmful effect on the design and use of the building. This alteration is in conflict with the Council's Shopfront Design Guide (2011) that advises that shopfront designs should respect and take design cues from existing features of historical merit.
7. The Council's Design Guide also states that solid shutters would be unacceptable on heritage assets, and if essential in these locations, shutters should have a lattice design. It also states that shutter boxes should be located within the shopfront or recessed within the fascia. The roller shutters and projecting boxes do not accord with this guidance. They are unsightly additions to the building that detract from its architectural detailing and erodes the contribution the building makes to the BSQCA.
8. As a result, the proposed roller shutters and ATM would not preserve or enhance the character or appearance of the BSQCA. The proposal would therefore conflict with policies S10 and BN5 of the West Northamptonshire Joint Core Strategy, policy 1 of the Northampton Central Area Action Plan and the Framework. These policies seek, among other matters, for development to achieve the highest standards of sustainable design and to sustain and enhance the heritage features which contribute to the character of an area.
9. The harm identified to the BSQCA would be 'less than substantial'. Paragraph 202 of the Framework, states that where harm to a heritage asset would be 'less than substantial' this should be weighed against the public benefits of a proposal. No clear public benefits have been identified by the appellant. However, the proposed development would give customers access to money when the shop is closed and would better secure the premises. However, the evidence is unconvincing that ready access to money is locally required or that the premises has been vulnerable to criminal activity in the past to warrant the proposed security measures. As such, even if these points were considered as 'public benefits' they would not outweigh the harm found to the conservation area, which the Framework identifies as an irreplaceable resource.

Crime considerations

10. The ATM is located within the centre of the building's frontage opposite housing. The local street has street lighting and is a relatively busy through road. As such, users of the ATM would garner a certain sense of safety based on these features. However, as the building is located on the back of the footway, users would be vulnerable to pedestrians passing close behind them when using the machine. As the building has no forecourt there is no clear separation between users of the ATM or people queueing to use it. Without space for security, and privacy markings on the floor, users would be

vulnerable to criminal activity. I also note the proposal does not include details of CCTV that might provide coverage of the area around the ATM and dissuade some criminal behaviour.

11. I am cognizant of the comments of West Northamptonshire Police. However, these predominantly refer to how the ATM is managed. These matters could be addressed through the imposition of a condition had I been minded to allow the appeal. Nevertheless, based on users of the ATM being vulnerable to crime and the crime levels within this part of the city being reported as “rather challenging” by the Police, the ATM would not create a safe environment for its users.
12. Accordingly, due to its siting and design, the proposed ATM would not promote reduced crime and would hamper the safety of its users. As such, the proposal would be contrary to policy S10 of the CS and the Framework. These include the requirement for development to incorporate safety and security measures and to create places that are safe.

Other Matters

13. Solid roller shutters are within shop units either side of the premises. However, the Council identifies that these do not have planning permission and are subject to enforcement investigation. Furthermore, these illustrate the harm visual effect of such an approach to the appearance of the street and do not set a positive precedent. I have therefore only afforded limited weight to these other examples which do not outweigh the harm found by the proposed development. Furthermore, although ATMs are common in commercial areas each case must be considered on its own merits.

Conclusion

14. The proposal would harm the character and appearance of the area and the safety of users and would conflict with the development plan when taken as a whole. Therefore, for the reasons given, I conclude that the appeal should not succeed.

B Plenty

INSPECTOR