
Appeal Decision

Site visit made on 28 March 2022

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 May 2022

Appeal Ref: APP/Z4718/W/21/3280654

Jerk Hut, 160 Manchester Road, Longroyd Bridge, Huddersfield, HD1 3JA

- 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 Cardtronics UK Ltd, trading as CASHZONE against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2021/62/91487/W, dated 31 March 2021, was refused by notice dated 17 June 2021.
 - The development proposed is the installation of an automated teller machine.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal documents suggest that the automated teller machine (ATM) has already been installed but it was not in situ at the time of my site visit. As such, I have considered the appeal on the basis of the submitted information and drawings provided.

Main Issues

3. The main issues are whether the development would preserve the listed building or its setting or any features of special architectural or historic interest which it possesses in accordance with S.66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act); and the effect on crime and public safety.

Reasons

Listed building

4. The appeal property is Grade II listed. At ground floor level it is currently in commercial use and stands amongst other commercial uses. The building does not fully accord with the listing description, many modern interventions apparently having taken place, from the insertion of plastic windows on upper floors, to the installation of a modern aluminium shop front and roller shutters at ground floor level in lieu of the C19 shopfront recorded.
5. These modern interventions have undoubtedly harmed the character and appearance of the appeal property and the wider terrace, but the building is nonetheless a fine stone-built property with slate roof and interesting architectural detail, such as the stone gutter brackets and window surrounds. This is evident despite the insensitive alterations undertaken to date.

6. It is unclear to what extent the various changes have been authorised, but the Council confirms that the modern shop front has not been granted listed building consent or planning permission. As such, there is no certainty that it will remain in situ. The shop front does not form part of this appeal and is not for my consideration but nor should it be used to justify inherently inappropriate and unsympathetic modern development, as is proposed here.
7. The proposed ATM is overtly modern in its appearance and materials. Whilst its insertion within the modern glazed shop front means that no historic fabric would be affected, the visual effect on the historic character of the building is nonetheless significant. It would contrast with the traditional design and materials of the existing building, appearing visually intrusive and resulting in less than substantial harm to the listed building. The fact that the works would, theoretically, be reversible does little to mitigate the harm that would arise.
8. Great weight should be given to the heritage asset's conservation. The works would facilitate access to cash for members of the public and may have a positive effect on expenditure at local businesses. However, these public benefits would not outweigh the harm that I have identified to the listed building and its special architectural features.
9. As such, the development would be in conflict with the Act, as well as Policy LP35 of the Kirklees Local Plan (2019) (LP) and the National Planning Policy Framework (the Framework) in so far as they seek to conserve heritage assets.

Crime and public safety

10. The ATM would be installed within a glazed section of the existing shop front, close to an existing bus stop which stands adjacent to the pavement edge and provides a covered and partially enclosed shelter for waiting passengers. This arrangement means that views of the ATM and anyone using it would be largely blocked to anybody approaching from the west. This lack of natural surveillance would not assist in deterring crime connected with the ATM or reduce the fear of crime for its users. Rather, it would make users vulnerable to crime and anti-social behaviour.
11. Whilst the Police do not object to the proposal subject to several security measures being installed, the need for the amount of mitigation suggested is indicative of the inherently poor location of the ATM and would be no substitute for a more appropriately designed and considered position. As such, I agree with the concerns raised by the Council's crime prevention advisors in this instance.
12. The scheme would not achieve development plan aims to create healthy, safe, secure and attractive environments. As such, it is in conflict with Policies LP17 (b) and LP24 (e) of the LP and the Framework.

Conclusion

13. The development would not preserve the listed building and is therefore in conflict with the Act and the Framework. Furthermore, it has not been designed in the interests of minimising crime or promoting public safety, in conflict with the development plan. I have had regard to the public benefits arising from the development, namely public access to cash and economic benefits to local businesses. However, these considerations do not outweigh

the development plan conflict that I have identified or indicate a decision other than in accordance with the development plan.

14. In light of the above, the appeal is dismissed.

Michael Boniface

INSPECTOR