



Appeal Decision

Site visit made on 30 May 2022

by B Phillips BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 June 2022

Appeal Ref: APP/H5960/W/22/3291003

152-156 Upper Tooting Road, London SW17 7ER

- 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 Mohammed Khalleeque (Daily Fresh Foods) against the decision of the Council of the London Borough of Wandsworth.
 - The application Ref 2021/5008, dated 1 November 2021, was refused by notice dated 5 January 2022.
 - The development proposed is the installation of security shutters to front and side elevations.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from part E of the appeal form and the Council's decision notice, in the interest of clarity.
3. For the avoidance of doubt, I note that the application form states the security shutters have been in place since September 2021, and I have considered the appeal on this basis.

Main Issue

4. The main issue in this case is the effect of the development on the character and appearance of the existing building and surrounding area.

Reasons

5. 152-156 Upper Tooting Road is a large 3-4 storey end of terrace building prominently sited on the corner of Upper Tooting Road and Ansell Road with a single commercial unit, Daily Fresh Foods, on the ground floor facing both roads. Upper Tooting Road is a busy, vibrant and lengthy commercial street and Ansell Road is a residential street.
6. To the front of Daily Fresh Foods facing both roads are lean-to canopies and large open areas, providing space for food stalls. This provides an inviting vitality and active frontage. However, the conspicuous and substantial shutter boxes detract from these frontages, and when closed, as shown on plan, the uncompromisingly solid shutters provide an incongruous, prominent and dominant dead frontage, having an adverse effect on the character and appearance of the building and given their scale and prominence, the local area.

7. I saw that some ground floor commercial and retail units in the vicinity of the site have security features and that several include external shutters and shutter boxes. The appellant also points to examples of units with open forecourt trading and shutters within the vicinity¹. Although these features vary in terms of size and design, the Council set out that none are solid shutters in design or have enforcement action underway, and I note the appellant does not dispute this. They are not therefore comparable in terms of their expanse and visual impact with the appeal scheme.
8. I acknowledge that the shutters provide security for the business. Moreover, I note the Wandsworth Shopfront Supplementary Planning Guidance (1988) (SPD) states that solid external metal shutters on shop fronts should only be considered 'where there is a continuing problem of vandalism and criminal damage.' However, I have no evidence before me that anti-social behaviour is a particular on-going problem for the business. I also have seen no conclusive evidence of any other security systems that may be available, including more appropriate security shutters in terms of their design, and I note that the appeal site previously had grill type shuttering. Similarly, it has not been demonstrated that alternative and less visually harmful measures would not also provide the stated benefit of being able to rapidly display fresh produce or provide access to disabled customers.
9. I conclude that the development harms the character and appearance of the existing building and surrounding area. Therefore, it is contrary to Policies DMS 1 and DMTS 9 of the Wandsworth Local Plan Development Management Policies Document (2016), and Policy IS3 of the Wandsworth Local Plan Core Strategy (2016). These policies, amongst other matters, aim to ensure that the appearance of development is high quality and note that solid shutters that present blank frontages to shopping streets will not be permitted. There is also conflict with the SPD which states that solid external metal shutters on shop fronts are unattractive and reduce visual interest.

Conclusion

10. The proposal conflicts with the development plan taken as a whole and there are no material considerations which indicate that the proposal should be determined other than in accordance with the development plan. Accordingly, for the reasons given above and having had regard to all other matters raised, the appeal is therefore dismissed.

B Phillips

INSPECTOR

¹ Nos 126-28, 160 (annotated as No 152) & 172 Upper Tooting Road