
Appeal Decision

Site visit made on 20 June 2022

by J Downs BA(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2022

Appeal Ref: APP/B2002/W/22/3292436

Red Sun, 23 Louth Road, Grimsby DN33 2ER

- 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 Wei Jie Chen against the decision of North East Lincolnshire Council.
 - The application Ref DM/0773/21/FUL, dated 28 July 2021, was refused by notice dated 18 November 2021.
 - The development is described as retrospective application to install two roller shutters to front elevation.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I note from the appeal documentation and my site visit that the two roller shutters have been installed. I have considered the appeal accordingly.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area, with particular regard to the effect on the character and appearance of the Scartho Conservation Area (CA).

Reasons

4. The appeal site is an end-terrace property in a shopping parade although adjacent to residential properties on one side. It is within the Scartho CA where s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that "*special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area*".
5. Despite being firmly within the larger urban area of Grimsby, the CA was historically a separate settlement. It has a pleasant, suburban character and appearance from the tree-lined streets, traditional building styles including groups of terraced dwellings. The parade of shops containing the appeal site complements this overall feel and is within a similar style of terrace with commercial premises at street-level.
6. The shopping parade has a similar scale to the adjacent domestic buildings. The existing shopfront appears to be original, albeit with the addition of a modern fascia sign. The cornice detailing on the shopfront and the scale of the fascia signage that sits within it along with other detailing such as the arched header around the door, results in the shopfront overall having a traditional

appearance which makes a positive contribution to the character and appearance of the CA.

7. The roller shutter is not well related to the features of the shopfront. The shutter box is not concealed, is considerable in scale in comparison to the restrained size of the fascia sign and projects forward of the shopfront making it a dominant feature regardless of whether the shutter is open or closed. The runners obscure the pilaster detailing and the solid, galvanised finish has an industrial appearance which is further exacerbated when the shutter is closed. The roller shutter within the door, while not harming the external features of the doorway, also appears as a dominant and incongruous industrial feature, particularly when closed.
8. Both parties have put forward arguments in relation to the prevalence of shutters within the Conservation Area. Many of these examples have distinctly different circumstances to the appeal site, generally related to either the architectural features of the host property or the policy context under which those decisions were taken. The examples given do not have an overriding influence upon the character and appearance of the CA that I have described above. Allowing this development would cause further harm to the character and appearance of the CA.
9. It has been suggested that the shutters could be colour treated, a new fascia sign provided to conceal the shutter box and that this could be secured by condition. However, this would not address the issue of dominance as the fascia would still project forward of the shop front and the shutters would still have a solid external appearance.
10. Having regard to the advice in the National Planning Policy Framework (NPPF), I find that the appeal proposal results in less than substantial harm to the character and appearance of the CA. Paragraph 202 advises that less than substantial harm should be weighed against the public benefits of the proposal.
11. I have very little to demonstrate the scale of the issue with anti-social behaviour that the appeal proposal is to address. I have no reason to doubt it exists and the Council has not contested this point. I noted at my site visit that other premises have taken steps to prevent access to recessed doorways. However, shutters can also have a negative effect on the perception of levels of anti-social behaviour in an area, particularly if closed during the day as these may be due to the evening nature of the use. I therefore conclude that any public benefits of the scheme in relation reducing the potential for anti-social behaviour would be very limited.
12. The appellant has put forward that the installation of the roller shutters allows the preservation of the original features which are the only remaining original shop front features. It is not clear whether the nature of public disorder in the area is of a type that would put these original features at direct risk. However, whilst this could also be considered a public benefit of the scheme, it has very limited positive weight.
13. I have had regard to the advice in paragraphs 199 and 200 of the NPPF that great weight should be given to an asset's conservation and that any harm to the significance of a designated heritage asset requires clear and convincing justification. The very limited public benefits of the appeal proposal I have identified above would not amount to a clear and convincing justification, nor

would they outweigh the harm to the significance of the CA that I have identified.

14. For the above reasons, the appeal proposal would not maintain or enhance the character and appearance of the CA. It would be contrary to NELLP Policy 5 which requires all development within development boundaries to be suitable, Policy 22 which requires a high standard of sustainable design, and Policy 39 which requires development to conserve historic townscape features and specifically refers to historic shop fronts.

Other Matters

15. The appellants statement expresses concerns that there has been some amount of prejudice against this site, and that custom and practice in the area has been disregarded. I have little to indicate that this has been the case but even if it had, I have considered this appeal on its own merits and in accordance with the statutory requirements placed on me by s38(6) of the Planning and Compulsory Purchase Act 2004 and s72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Conclusion

16. For the reasons given, the appeal scheme would not be in accordance with the development plan when read as a whole and there are no material considerations of sufficient weight to justify a decision otherwise. The appeal should therefore be dismissed.

J Downs

INSPECTOR