
Appeal Decision

Site visit made on 11 July 2022

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 July 2022

Appeal Ref: APP/J0540/W/22/3292457
174 Lincoln Road, Peterborough PE1 2NW

- 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 K Nasser against the decision of Peterborough City Council.
 - The application Ref 21/01947/FUL, dated 6 December 2021, was refused by notice dated 1 February 2022.
 - The development proposed is the roller shutter to shop front to be replaced with high visibility chain-link shutters.
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Decision

1. The appeal is allowed and permission is granted for the roller shutter to shop front to be replaced with high visibility chain-link shutters at 174 Lincoln Road, Peterborough PE1 2NW, in accordance with the terms of the application, Ref 21/01947/FUL, dated 6 December 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location and Block Plan (Drawing No.001); Proposed Elevation Plan (Drawing No. 003); Specifications for Chainlink Roller Grilles (CL200/CL250) as submitted on 07 December 2021.
 - 3) The shutters hereby permitted shall be of an open brick bond lattice style and light grey in colour, as shown on the photographs submitted on 07 December 2021, and shall not be changed thereafter without the prior approval in writing of the Local Planning Authority.

Main Issue

2. The main issue is whether the effect of the shutters on the character and appearance of the area is justified to improve the security of the premises.

Reasons

3. The proposal is to replace the existing unauthorised shutters across the ground floor shop front of No 174 Lincoln Road, a two-storey building on the corner of Taverners Road used as a hardware store. The retail unit lies in a short parade next to a food store and Lithuanian shop, with a variety of other business uses including a restaurant, barbers, off licence and machine hire company also located nearby. The existing shutters only include limited perforation offering

minimal visibility of the shop window and the proposal is to replace these with high visibility open 'brick bond' lattice roller grilles.

4. In order to maintain an attractive street scene when shops are closed, Policies LP16 and LP18 of the Peterborough Local Plan 2019 (PLP) require respect for the context of the site and oppose external shutters unless there is a persistent problem of crime or vandalism affecting the property which cannot be addressed by other means. The Council's Shop Front Design Guidance SPD adopted in 2014 contains more detailed but similar principles.
5. In this case the Cambridgeshire 'Designing Out Crime' officer could not identify any relevant crimes in the location over the last two years and is not aware of any direct threat to the premises. However, the appellant has submitted evidence that 191 crimes were reported in the area during the single month of October 2021, second only to the city centre, and that of these anti-social behaviour, vandalism and criminal damage is the second highest category.
6. Unfortunately, neither the Council nor appellant supply information regarding the prevalence of shutters in the area, but on the site visit, notwithstanding local plan policy, it was apparent that most premises have shutters installed, and most of these are solid or with only limited perforation.
7. It is clear from this that most business owners in the area are concerned for the security of their premises, and whilst regrettable, in this cosmopolitan, busy, fringe of city centre location this is perhaps unsurprising. Shutters have been permitted by the Council further up the road at Nos 285 and 328A.
8. Vandalism and shop theft are usually random, opportunistic crimes, and in this particular location the appellants wish to protect his premises is understandable and can be supported. The proposal is to replace the existing unauthorised visually intrusive shutters with open lattice style grilles that offer good visibility of the shop window. This would ensure a relatively attractive shop front when the business is closed and represents a reasonable compromise. It would also set a beneficial precedent should shutters be required elsewhere in the area. Internal security shutters, demountable grilles and laminated windows that rely on a guaranteed police response are unlikely to be as effective.

Conclusion

9. For these reasons the effect of the open 'brick bond' lattice shutters on the character and appearance of the area is justified to improve the security of the premises. Whilst the proposal conflicts to some extent with PLP Policy LP18 and the Shop Front SPD the material consideration of crime rates in the area is sufficient to justify permission in this case.
10. The Council suggested three conditions should the appeal be allowed and these meet the relevant tests. In addition to the standard implementation time limit it is necessary to define the approved plans and the type and colour of shutters to ensure their satisfactory appearance when in use.
11. Having regard to the above the appeal should be allowed.

David Reed

INSPECTOR