



Appeal Decision

Site visit made on 12 July 2022

by Elaine Moulton BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2022

Appeal Ref: APP/N4720/Z/22/3299353

44A Commercial Street, Rothwell, Leeds LS26 0AW

- 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 Rostami against the decision of Leeds City Council.
 - The application Ref 22/01348/FU, dated 22 February 2022, was refused by notice dated 26 April 2022.
 - The development proposed is a roller shutter to the door.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The roller shutter to the front entrance has been installed and therefore I am considering this appeal retrospectively.

Main Issue

3. The main issue is the effect of the roller shutter on the character or appearance of Rothwell Conservation Area.

Reasons

4. The appeal site is located on Commercial Street within the Rothwell Conservation Area. As such I have had regard to the duty to pay special attention to the desirability of preserving or enhancing its character or appearance.
5. The significance of the Conservation Area, insofar as it relates to this appeal, includes the historic shop fronts that are centred on Commercial Street, many of which retain original architectural features, within the historic core of the town.
6. The Rothwell Conservation Area Appraisal and Management Plan (CAAMP) identifies the appeal site as a positive building forming part of an important group of mid and late 19th century and early 20th century buildings in Commercial Street. The appeal property is located within a late 19th century building, originally two units in a symmetrical pair, now subdivided into four. The building is described in the CAAMP as a typical late 19th century development that characterises the town. It contains several original decorative architectural features and positively contributes to the significance of the Conservation Area as a whole.

7. The paired sash windows that are retained and feature in the frontage of number 46A, have been removed at ground and first floor of the appeal site. The chamfered stone lintels and fanlight above the door of number 46A have, however, been retained in the appeal property. The appeal shutter box obscures that stone lintel, and the door fanlight is concealed when the shutter is closed.
8. Whilst similar to the side wall tiling, the strident colour of the roller shutter, box and tracks harms the character and appearance of the Conservation Area as does the siting of the box in a position that obscures the historic architectural detailing of the door. This undermines the identified actions within the CAAMP to retain and maintain historic shopfronts and resist external shutters due to their negative impact. A condition requiring a change to the colour of the shutter, box and tracks to something more fitting to the Conservation Area location could be attached if planning permission were granted. However, that would not address the harm arising from the position of the box. Furthermore, the harm is not lessened by the existence of other roller shutters in the locality which, I noted on my visit, have more sensitively positioned shutter boxes and are more muted in colour.
9. Accordingly, I conclude the proposal would cause less than substantial harm to the significance of the Rothwell Conservation Area which is a designated heritage asset. The National Planning Policy Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. However, great weight should be given to the asset's conservation.
10. The creation of jobs in the business and providing security, which is the stated purpose of the roller shutter, can be seen as public benefits. It has not, however, been suggested that the shutter has any bearing on the provision of jobs. In addition, I have been given no compelling evidence that demonstrates there are no other, less harmful, means of securing the appeal property, or evidence that this has been an issue at the appeal site. As such the public benefits arising from the appeal proposal would be minimal and insufficient to outweigh the great weight given to conservation of the heritage assets.
11. I conclude that the roller shutter fails to preserve the character and appearance of the Rothwell Conservation Area and would harm its significance as a designated asset. It would conflict with Policies P10 and P11 of the Leeds Core Strategy and saved Policies GP5 and BD6 of the Leeds Unitary Development Plan Review, and the historic environment protection aims of the Framework.

Other Matters

12. The Council's handling of the planning application has not affected my findings on the planning merits of the scheme.

Conclusion

13. The development conflicts with the development plan when considered as a whole. There are no other considerations, either individually or in combination, that outweighs the identified harm and associated development plan conflict.

14. I hereby dismiss this appeal.

Elaine Moulton

INSPECTOR