
Appeal Decision

Site visit made on 26 July 2022

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 22 August 2022

Appeal Ref: APP/W4705/Z/22/3298790

16 Cooke Street, Keighley, West Yorkshire, BD21 3NN

- 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 Muktar Ali against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/00028/FUL, dated 04 January 2022, was refused by notice dated 02 March 2022.
 - The development proposed is installation of shutters to the existing shop front.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of Keighley Town Centre Conservation Area.

Reasons

3. The appeal property forms part of a terrace of late 19th century 3 storey commercial properties with ground floor commercial frontages. It is in a prominent open location in the Keighley Town Centre Conservation Area (the CA) and it is opposite the Grade II* listed Keighley War Memorial.
4. The CA covers the historic core of Keighley and its significance derives in part from the Victorian townscape comprising imposing and decorative Victorian commercial and civic buildings and the surrounding more modest high density traditional terraced properties. In this regard, the appeal property has modest architectural details but it forms part of a prominent group of properties that collectively contribute to an attractive and traditional streetscene characteristic of the townscape. Commercial frontages vary in appearance, but they are subservient to the imposing 3 and 4 storey frontages. The appeal property and the group make a positive contribution to the significance of the CA.
5. The proposal would be externally fitted solid aluminium roller shutters. Irrespective that the shutter box would be recessed, the shutters would be a dominant and discordant feature that would be out of keeping with the surrounding glazed windows and traditional building elevations. The solid metal shutters would be overtly contemporary, conspicuous and poorly related to the surrounding historic townscape. The shutters would have a deadening effect on the streetscene, resulting in an unwelcoming appearance and an increased fear of crime and anti-social behaviour. The proposal would not be visually

- attractive and it would detract from, rather than add to, the overall quality of the area. It would not be sympathetic to local character and history, including the surrounding built environment.
6. As the proposal is in a conservation area, I am required by Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
 7. Case law has established that, as the significance of a CA is dependent upon how it is experienced, proposals must be judged according to their effect on the CA as a whole and consequently they must have at least a moderate degree of prominence. In this case, the proposal would be clearly visible from the public domain including the surrounding streets and the public open space that includes the Grade II* listed War Memorial. As it would therefore be capable of harming the wider character and appearance of the CA, I find the proposal would fail to preserve the significance of the CA.
 8. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that great weight should be given to the conservation of designated heritage assets. Taking into account the nature and scale of the proposal, I find the harm to the heritage asset would be less than substantial but nevertheless of considerable importance and weight. Framework paragraph 202 advises that the harm should be weighed against the public benefits of the proposal.
 9. I understand there have been several complaints to the police regarding damage to the shop front, which has incurred considerable repair costs. The appellant considers that the proposal would both enhance the security of the premises and reduce the potential for crime in the area. A reduction in crime would undoubtedly be a public benefit. However, West Yorkshire Police Constabulary advise that roller shutters can raise the fear of crime, cause people to avoid the area, and actively encourage anti-social behaviour. In this case, there is little substantive evidence in relation to the previous criminal incidents nor compelling evidence that the proposal would reduce crime and anti-social behaviour rather than encourage it. Moreover, it has not been demonstrated that similar benefits could not be achieved by alternative means that would be less harmful to the heritage asset, such as are set out in A Shopkeepers Guide to Securing their Premises Supplementary Planning Document Adopted December 2012 (the SPD).
 10. Taking into account the above, and in the absence of any defined substantive public benefit, I conclude that on balance the proposal would fail to preserve the character or appearance of the Keighley Town Centre Conservation Area. This would fail to satisfy the requirements of the Act and paragraph 197 of the Framework. It would also conflict with policies DS1, DS3 and EN3 of the City of Bradford Metropolitan District Council Core Strat Development Plan Document Adopted July 2017, and the SPD. These require, among other things, that development contributes to high quality spaces and attractive streetscapes, that shop fronts are consistent with their surroundings, and that the significance of heritage assets, including the Victorian townscape of Keighley, is conserved. For this reason, the proposal would not be in accordance with the development plan.

Other Matters

11. I note the suggestion that similar properties in the vicinity have shutters, and some external shutter boxes, to their shop fronts. However, there is little evidence that these are directly comparable to the appeal property, including in terms of the surrounding context, or that those shutters benefit from planning permission. I am also mindful of the likely adverse cumulative effect, both visual and social, that would arise from an increased number of solid shutters in the area. Each case must be considered on its individual merits and schemes elsewhere do not provide a justification for the proposal.

Conclusion

12. For the reasons set out above, the proposal would conflict with the development plan and there are no material considerations that would outweigh that conflict.
13. Therefore, the appeal should be dismissed.

Sarah Manchester

INSPECTOR