



Appeal Decision

Site visit made on 23 August 2022 by A Humphries BSc (Hons) MSc

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2022

Appeal Ref: APP/D1590/Z/21/3281520

103 Hamlet Court Road, Westcliff-on-Sea, SS0 7ES

- 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 Shelley Horban on behalf of Emex International against the decision of Southend-on-Sea Borough Council.
 - The application Ref 21/01263/FUL, dated 16 June 2021, was refused by notice dated 11 August 2021.
 - The development is to replace roller shutters.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. Two grey steel roller shutters with surface mounted shutter boxes above have already been installed to the double fronted shop and therefore the development is retrospective. The two roller shutters were fully closed when the site visit was undertaken, however, I am satisfied that sufficient evidence has been provided as part of the appeal process to establish the character and appearance of the shopfront and thus the planning merits of the appeal.
4. During the appeal process, it was brought to my attention that the host property had been identified as a locally listed building. The Council confirmed that the host property had been designated after the decision notice was issued. In the interest of fairness, the appellant was invited to provide comment on the Council's response. The designation as a locally listed building was therefore considered in the reasoning of this appeal decision.

Main Issue

5. The main issue is the effect of the development on the character and appearance of the host property, a locally listed building, which forms part of a frontage of townscape merit, and the surrounding area.

Reasons for the Recommendation

6. The host property is a three-storey building with a single storey double fronted shop set within an area characterised by commercial and retail units at ground floor level. The host property is locally listed and is a frontage of townscape merit. The significance of the non-designated heritage asset lies in the architectural quality and elegance of detailing of the shopfront. As set out in the Hamlet Court Road Conservation Area Appraisal (2021) (the CAA), the double fronted shopfront, which is best preserved on the street, comprises recessed doorways framed by curved glass, fine ornate frames and detailed carving with a central clock above.
7. The National Planning Policy Framework (2021) (the Framework) advises that the direct or indirect effect on the significance of a non-designated heritage asset should be taken into account and a balanced judgment will be required having regard to the scale of any harm or loss and the significance of the heritage asset.
8. During the site visit, several other shopfront shutters were observed in the immediate locality, some of which had surface mounted shutter boxes that protrude to various degrees. These shopfronts are of a different character and appearance to the host property and the shutters vary in terms of design, style and colour. No details have been provided regarding their planning history. Nevertheless, given that I do not dispute the need for shutters on the host property and that they are a common feature on the street, I would agree that shopfront shutters are acceptable in principle.
9. Based on the evidence presented before me, the shopfront of the host property is a prominent and distinctive part of the street scene because of its architectural quality and fine detailing, which contrasts with the surrounding commercial and retail units. During the site visit, the two shutters were closed. Owing to the opaqueness from the micro perforated style of the shutters, none of the features of the shopfront that positively contribute to the significance of the non-designated heritage asset and street scene were visible. The shutters therefore inhibit the appreciation of the architectural quality and fine detailing of the shopfront and limit the contribution of the shopfront to the street scene when closed.
10. The micro perforated style of the shutters creates a solid appearance when viewed from the street. Given this, together with the scale of the two shutters combined, the shutters create a large blank area rather than an active frontage. As a result, the two shutters are prominent and visually intrusive on the street scene.
11. Whilst the associated surface mounted shutter boxes protrude from the fascia of the shopfront, the façades of the shopfronts in the locality vary with a combination of recesses and protrusions and thus shopfronts do not have flat and level façades. Owing to the irregular façades of neighbouring properties, I do not find the surface mounted shutter boxes on the host property as visually intrusive to the street scene as the shutters themselves. Furthermore, I acknowledge that any shutter housing would need to protrude from the fascia to some degree unless alterations are made to the shopfront of the host property. Nonetheless, the box housing is a bulky addition to the fascia which contrasts awkwardly against the elegant proportions of the original shopfront.

12. The host property had two roller shutters prior to renovation, although the evidence presented before me suggests that these did not benefit from planning permission, albeit that they appeared to have been in situ for some time. Nonetheless, it is necessary to consider the present appeal in the context of relevant planning policy and material considerations as they stand at present. Given the inclusion of the shopfront on the local list and the identification of the importance to the local townscape within the CAA, the former presence of shutters which did not benefit from planning permission does not, of itself, justify the approval of similar harmful development.
13. For the reasons above, the development would harm the character and appearance of the host property, a locally listed building and a frontage of townscape merit, and the surrounding area. I am satisfied that the development would, as a result, erode the significance of the locally listed building and neither preserve nor enhance the host property.
14. The development would therefore conflict with the Framework and would also be contrary to policies KP2 and CP4 of the Council's Core Strategy (2007) and policies DM1 and DM5 of the Development Management Document (2015). Collectively, these policies seek high quality design that respects the character and distinctiveness of the site and surroundings, together with conserving and enhancing heritage assets. Specifically in relation to locally listed buildings and frontage of townscape merit, regard should be given to the quality of replacement shopfronts, together with the preservation and restoration of features which contribute to the special character of their frontage, including form and function. Furthermore, the development would be contrary to the Supplementary Planning Document (SPD): Design and Townscape Guide (2009).

Other Matters

15. I acknowledge the local crime rates presented before me, including vandalism and anti-social behaviour, and thus the need for security at the host property, together with that there may be a requirement from insurance companies for the protection of the glass of the shopfront by shutters. Given the ornate and curved nature of the glazing and the level of craftsmanship on show in the shopfront as a whole, I can appreciate the likely cost of repairing any damage and the benefit of protecting the frontage from harm. That is a matter that attracts weight in support of the scheme.
16. The appellant also maintained that alternative types of shutters would be impractical or result in alteration to the fabric of the shopfront. However, without any supporting technical information or drawings detailing the fabric of the building behind the fascia, it is difficult to fully assess these claims. Whilst I recognise the need to protect the glass of the shopfront, I am not persuaded that a different design of shutters would not protect the glass and facilitate access to the first-floor balcony. I am therefore not persuaded that the development is the only design solution to meet the required level of security that would also preserve the significance of the non-designated heritage asset.
17. Consequently, on the basis of the information before me, it is not clear that the current arrangement is the only way of providing security and protecting the frontage from damage. I have given weight in this appeal decision to the crime levels and the requirement for security, however, overall and on balance, the benefits of security provided by the shutters does not outweigh the harm of the

development to the character and appearance of the shopfront of the host property and surrounding area.

18. I sympathise that the appellant has invested in the host property and completed renovations. Whilst the renovation of the host property has benefitted the area, similar benefits could be achieved without the addition of the present shutters which have a detrimental impact. Consequently, this does not outweigh the harm caused by the development to the character and appearance of the shopfront of the host property and surrounding area.

Conclusion and Recommendation

19. For the reasons given above, I have concluded that the development would, overall and on balance, harm the character and appearance of the host property, including its significance as a non-designated heritage asset and as a frontage of townscape merit, and the surrounding area. The development would conflict with the development plan taken as a whole and there are no other considerations, including the Framework, that outweigh this conflict. Having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Alice Humphries

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall dismiss the appeal.

Chris Preston

INSPECTOR