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## Appeal Decision

Site visit made on 6 October 2022

**by D Hartley BA (Hons) MTP MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 October 2022**

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**Appeal Ref: APP/W4705/C/22/3304887**

**Land at Express House, White Abbey Road, Bradford, West Yorkshire, BD8 8EJ shown edged red on the attached plan.**

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
  - The appeal is made by Fezan Investments (Company Secretary) against an enforcement notice issued by City of Bradford Metropolitan District Council.
  - The enforcement notice was issued on 30 June 2022.
  - The breach of planning control as alleged in the notice is the installation of six externally mounted roller shutters and shutter boxes to the north east facing (front and front corner) elevation of the building on the land, as shown in the attached photographs.
  - The requirements of the notice are i) remove the unauthorised roller shutters and shutter boxes from the north east facing (front and front corner) elevation of the building and ii) make good any damage caused.
  - The period for compliance with the requirements is 12 calendar months.
  - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended.
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### Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

### Main Issue

2. The appeal is made under ground (a) which is that planning permission ought to be granted in respect of the breach of planning control alleged in the notice. Taking into account the reasons for issuing the notice, the main issue is whether the development constitutes good design.

### Reasons

3. The appeal site falls within a mixed commercial and residential area and fronts a busy road. The subject building comprises several commercial units. Some appear to be vacant while others are in use for the sale of clothes. While my site visit was carried out in the day, I have been able to appreciate the appearance of all the shutters in their down position given the photographs that accompany the notice. Furthermore, some of the shutters were down when I visited the site.
4. The retail frontage is quite long and while the shutters are finished in a colour that suitably matches the shop fronts, when in their down position they appear as a solid mass of development creating an unwelcoming and 'dead frontage' in

the street-scene. I reach this view despite the fact that the shutters have a pinhole finish.

5. The above harm is exacerbated in so far that the roller shutter mechanism is concealed behind metal boxes which appear bulky and detract from the streamlined shop front appearance that was approved by the Council. In these respects, the unauthorised development fails to accord with Design Principle 2 of the Council's adopted 'A Shopkeepers Guide to Securing Their Premises' SPD 2012 (SPD) which states that *'there will be a strong presumption against the provision of solid external roller shutters, bare metal roller shutters and external shutter boxes to the principal elevation of all shop fronts within the Bradford District'*.
6. I acknowledge that there are other external roller shutters in the immediate area including those at Kwik Fit and Bradford Foundation Trust. However, I do not know the circumstances which led to these roller shutters being installed or if they pre-dated the SPD or the National Planning Policy Framework 2021 (the Framework), both of which seek to promote good design and high quality, beautiful and sustainable buildings and places. In any event, I have determined this appeal on its planning merits and taking into account up to date local and national planning policies.
7. The SPD emphasises that from a crime preventative or reduction point of view, the best solution is to have shutters fitted internally. Indeed, West Yorkshire Police Constabulary (WYPC) comment that windows displaying goods in the sterile area between glazing and an internal shutter have the benefit of allowing customers to 'window-shop' even when a premise is closed. In addition, I agree with the views of WYPC in so far that such an arrangement would leave potential offenders in no doubt that they would have to breach the glazing before 'work started' on the protective shutters.
8. In this case, the evidence is that in the past the area has suffered from anti-social behaviour. However, I do not doubt the appellant's view that the redevelopment of the site has improved matters in terms of additional footfall and surveillance in the locality and that some of the anti-social behaviour issues have reduced. I also note that the evidence indicates that shop front windows were broken previously and that this led directly to the installation of the roller shutters including the use of external boxes.
9. While I do not doubt that the appellant requires some shop front security, I am not persuaded that there is reasonable justification before me to indicate why the appellant has not explored the use of toughened security glass (including the use of a window alarm) coupled with the provision of set-back internal security shutters/grills. The SPD states that *'effective security measures must be a balance between protection from criminal activities and the need for streets to remain attractive and welcoming after trading has ceased for the day'*.
10. On the evidence that is available to me, I find that there would be reasonable options available to the appellant to put in place more sympathetic security measures thereby ensuring an acceptably designed building and a more inviting and interesting frontage, including at night. Indeed, windows displaying goods in the sterile area between glazing and shutter would have the benefit of allowing customers to 'window-shop' even when premises were closed. Furthermore, such an arrangement would avoid the need for external roller

shutters which, as mentioned in the SPD, can be easy targets for graffiti which can add to the detrimental impact upon the appearance of the street-scene.

11. While I note the appellant's concern about future anti-social behaviour and the potential for windows to be broken again, I have no evidence before me to indicate that the premises would not be capable of being insured with the use of toughened glass and internal shutters/grills. In any event, and, furthermore, the unauthorised development does not deliver a well-designed building or indeed a high quality or beautiful place. This is a matter of overriding concern. While the area may include some variety in terms of building sizes and appearance, this does not justify allowing development which does not enhance the area and which conflicts with local and national design policies and guidance.
12. For the above reasons, I conclude that the breach of planning control does not constitute good design or create a strong sense of place. Therefore, the development does not accord with the design, character and appearance requirements of policies DS1, DS3 and SC9 of the Council's Core Strategy Development Plan Document 2017, the SPD and chapter 12 of the Framework.

### **Conclusion**

13. The development would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. I therefore conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the deemed application.

*D Hartley*

INSPECTOR