



Appeal Decision

Site visit made on 13 December 2022

by A Veevers BA(Hons) PGDip (BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 January 2023

Appeal Ref: APP/W4705/W/22/3307720

528 Thornton Road, Bradford BD8 9NB

- 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 Faisal Aslam against the decision of City of Bradford Metropolitan District Council.
 - The application Ref 22/02642/FUL, dated 15 June 2022, was refused by notice dated 24 August 2022.
 - The development proposed is described as 'replacement of roller shutter (Retrospective)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my site visit, I saw that the development had been carried out. Therefore, I am considering this as a retrospective appeal.
3. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

Main Issues

4. The main issues are the effect of the development on, firstly, the character and appearance of the area and, secondly, pedestrian safety.

Reasons

Character and appearance

5. The appeal property is situated at one end of a short, terraced block on Thornton Road, between Hoxton Street and a street named by the Council as Back Hoxton Street and is in retail use. The building has splayed corners and incorporates a projecting flat roof ground floor spanning the frontage, which fronts straight on to the pavement. Thornton Road is a relatively straight and wide main road with a mixed character. The north side of Thornton Road in the vicinity of the appeal site is predominantly traditional with stone terraced blocks of residential and commercial properties. On the south side, opposite the appeal site, is a large retail park with views towards parts of the city and open countryside beyond.
6. The design and appearance of existing commercial frontages differ along Thornton Road, with windows, fascias and signage varying in size and design.

Many premises also incorporate roller shutters. The adjacent property to the appeal site, across Back Hoxton Street, a funeral director, is different in that it is set lower than and back from Thornton Road thereby affording clear views of the appeal site.

7. The shutters replace previous shutters on the building. From the evidence presented to me, these were perforated and did not extend on to the pavement or 'square off' the corner of the premises. The current development goes beyond replacing previous shutters by extending the shutter box housing and shutters on both elevations of this corner property to enclose part of the pavement and 'square off' the existing splayed corner.
8. Whilst the black colour of the shutters matches others on the same block and is an established characteristic within the commercial streetscene, the solid projecting shutter structure draws the eye unduly as a result of its lack of integration with the splayed design at the corner of the existing building. This also results in an imbalance in the appearance of the block as a whole since the shutters on the commercial premises at the opposite end of the block have been incorporated within the splayed feature. Due to the single storey ground floor projection of the block and its corner location, the roller shutter is more prominent in the street scene and starkly at odds with the design of the host building.
9. In departing from the prevailing character of the appeal site, even though the site is not within a traditional high street, the scheme appears as an incongruous addition that fails to harmonise with the character and appearance of the area. This undermines the intent of the Bradford 'Shopkeeper's Guide to Securing their Premises Supplementary Planning Document' (SPD) to ensure commercial areas remain attractive and welcoming places, especially during evening and night-time hours, which the SPD considers are negatively affected by external solid shutters.
10. The appellant states that the shutters are not seen during normal working hours, however at the time of my site visit during a midweek lunchtime, the shutters were closed. Whilst I appreciate this represents only a snapshot in time, even if the shutters were open during the daytime, it is likely they would be closed during evening hours. Consequently, there would be a significant number of hours during which the shutters would present a blank and unwelcoming façade in close proximity to passing pedestrians and vehicles using Thornton Road.
11. Furthermore, the harm is not lessened by the existence of street lights and other roller shutters in the locality, some of which, I noted on my visit, incorporate perforated shutters and have more sensitively positioned shutter boxes. I have also had regard to the large retail warehouse opposite the site; however, this is set back from Thornton Road by a grass verge and is therefore located in a different context.
12. I therefore conclude that the roller shutters cause significant harm to the character and appearance of the area. It would conflict with Policies DS1 and DS3 of the Local Plan for the Bradford District Core Strategy Development Plan Document (2017) (CS) in so far as they seek good design, attractive streetscapes, and shop front design that is consistent with the character, quality and materials of the existing façade, building and street scene. The proposal is also contrary to the SPD, which aims to provide guidance on how to

provide effective security in ways that will not adversely affect the appearance of the building or the wider area.

Pedestrian safety

13. Although the roller shutter structure projects beyond the splayed corner of the building on to the pavement, when closed, the shutters are clearly apparent to pedestrians by virtue of their solid presence. I saw at my site visit that the extent of the shutters, when closed, does not result in a significantly reduced width of pavement along Thornton Road or Back Hoxton Street and there continues to be sufficient room for pedestrians to comfortably pass along both pavements.
14. Even though a triangular area of pavement no longer exists in front of the premises when the shutters are closed, which would create a more spacious and welcoming pedestrian experience and reflect a similar form to that found at the opposite end of the block, corner buildings directly fronting the pavement at road junctions are a common occurrence. I find that the development does not impinge on pedestrian safety.
15. For the reasons given, the appeal proposals would not harm the movement and safety of users of the highway, with particular regard to pedestrian safety.
16. Policy DS4 of the CS seeks to ensure that development offers a pleasant experience, particularly for those travelling by foot. In the absence of harm, there is no conflict with this policy in this regard.

Other Matters

17. The Council queries the form of the planning application with regard to land ownership and the red line boundary in their third reason for refusal. The red line boundary indicated on both the existing and proposed ground floor plans appears to show the development within the red edge boundary. However, given my findings on the main issue, these are not determinative matters and so I do not address them further.
18. I note the Council advise that an enforcement notice has been served on the relevant parties; however, I have not been provided with any further details in respect of the enforcement notice. The appellant has also provided a copy of a recent appeal decision at the site¹ which was allowed. Nevertheless, that appeal related to a different form of development. I have considered this appeal proposal on its own merits and concluded that it would cause harm for the reasons set out above.

Conclusion

19. 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.
20. I hereby dismiss this appeal.

A Veevers

INSPECTOR

¹ Appeal Ref: APP/W4705/W/22/3295937