
Appeal Decision

Site visit made on 5 October 2023

by David Reed BSc DipTP DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th November 2023

Appeal Ref: APP/J0540/W/23/3315256

5 Fortune Buildings, Cowgate, Peterborough PE1 1LR

- 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 P Fierro against the decision of Peterborough City Council.
 - The application Ref 22/01294/FUL, dated 13 September 2022, was refused by notice dated 18 November 2022.
 - The development proposed is the retention of a fixed canopy for a period of 3 years.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the street scene, including the effect on the Peterborough City Centre Conservation Area (CA).

Reasons

3. The proposal is for a fixed canopy, about 5.4 m wide and 2.6 m deep, across the frontage of a ground floor restaurant on the northern side of Cowgate within Peterborough City Centre and its CA. The canopy, which has already been erected, projects over the footway to provide shelter for an area of outside seating and includes 'Pizza Parlour' lettering on the canopy itself and the triangular support structure that faces up and down the street.
4. Cowgate, running from the Queensgate Roundabout to St Johns Church and Cathedral Square, with its wide variety of frontage properties, some listed and locally listed, forms an attractive part of the city centre and a key pedestrian route from the station. With many high-quality shop fronts, lengths of widened footway and pavement/carriageway paving the area displays the benefits of the shopfront and environmental improvements carried out in recent years and the Shopfront Design Guide adopted in 2014. This states that new canopies should be full width, of complementary materials/colour and most importantly, within the CA, only fully retractable canopies or blinds will be permitted. Although the CA Appraisal and Management Plan notes that Cowgate has suffered from modern incursions particularly on the northern side of the road this does not justify a lesser standard of shopfront design.
5. During the site visit examples of attractive retractable canopies were observed next door to the appeal site at Cowgate Local, Pizza House and along the road at Cote. There may have been others not in use. But no other examples of

fixed canopies were to be seen in the area and the appellant does not draw attention to any. The temporary covered seating area outside the Bear coffee shop on Cathedral Square has now been removed. Given this context the poor-quality, bulky and unduly prominent appeal canopy stands out in Cowgate Street as a discordant and visually intrusive feature that is detrimental to its character and appearance. The canopy also fails to preserve or enhance the character and appearance of the City Centre CA. Although the canopy is proposed to be in place for a temporary three-year period, this does not reduce the level of harm caused during that period.

6. For these reasons the canopy significantly harms the character and appearance of the street scene and fails to preserve the character and appearance of the Peterborough City Centre CA. This conflicts with Policies LP6, LP16, LP18, LP19 and LP47 of the Peterborough Local Plan 2019 and the Shopfront Design Guide 2014. These seek to improve the quality of the townscape and public realm throughout the city centre, ensure proposals respect the context of the site and surrounding area, only allow canopies that do not detract from the building or area and protect the historic environment. The canopy also conflicts with the legislative duty to have special regard to the desirability of preserving or enhancing the character or appearance of the CA.

Conclusion

7. The canopy allows customers to enjoy outdoor seating in all weathers, still important in the covid era, supports the viability of the independently run restaurant and strengthens the vitality and economy of the city centre as a whole. However, these benefits would also result from a retractable canopy in compliance with Council policy and no explanation is provided as to why a permanent canopy is needed or was erected instead. The benefits of the fixed (as opposed to retractable) canopy are thus minimal and significantly outweighed by the harm that has been identified and the resultant conflict with the development plan and the requirement to at least protect the character and appearance of the CA. Although the harm to heritage assets is less than substantial, the public benefits of the canopy do not justify its erection and there is no need for a three year trial period to reach this conclusion.
8. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR