



Appeal Decision

Site visit made on 25 October 2023

by Rachel Hall

an Inspector appointed by the Secretary of State

Decision date: 11th December 2023

Appeal Ref: APP/E3715/W/23/3321028

Alma Supermarket, 21-23 Rugby Business Centre, Clifton Road, Rugby, Warwickshire CV21 3PY

- 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 S Ibrahim of Alma Supermarket (Rugby) Limited against the decision of Rugby Borough Council.
 - The application Ref R23/0037, dated 5 January 2023, was refused by notice dated 23 March 2023.
 - The development proposed is erection of tubular steel shopping trolley guard and fixed shop canopy.
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Decision

1. The appeal is allowed and planning permission is granted for erection of tubular steel shopping trolley guard and fixed shop canopy at Alma Supermarket, 21-23 Rugby Business Centre, Clifton Road, Rugby, Warwickshire CV21 3PY in accordance with the terms of the application, Ref R23/0037, dated 5 January 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 4007-LP Rev A; 4007-02 Rev A; 4007-04 Rev A; 4007-05 Rev A; 4007-06 Rev A.
 - 3) Notwithstanding condition 2, development of the shop canopy hereby permitted shall not commence until details of the external materials to be used on the circular steel columns, including any decorative features, shall have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

Applications for costs

2. An application for an award of costs was made by Mr S Ibrahim of Alma Supermarket (Rugby) Limited against Rugby Borough Council. This application is the subject of a separate decision.

Preliminary Matters

3. The shopping trolley guard has been implemented whereas the shop canopy has not. Therefore the proposal is retrospective with respect to the shopping trolley guard. The Council has subsequently granted permission for the shopping trolley guard in a separate permission (Ref R23/0414). The main parties agree that that element of the proposal is acceptable.

Main Issue

4. The main issue is the effect of the proposed shop canopy on the character and appearance of the surrounding area.

Reasons

5. The appeal building comprises one of a number of ground floor retail premises that line this side of Clifton Road (the Road). There is consistency in the presence of ground floor retail units with generally one or two storeys of a more domesticated appearance above. The shop fronts are positioned to a broadly consistent building line. Building design and materials are varied which adds interest in the street scene. This side of the Road has a busy feel due to buses coming and going from the bus stops in the vicinity of the appeal site.
6. A canopy is in place further up the Road, said to be approximately 25m from the appeal site. That extends along the width of the supermarket shop front (currently a Co-op). It also adjoins a canopy of the same proportions which extends along two further retail units. Therefore, although most shop fronts on the Road are not enclosed, shop front canopies are a feature in the street scene. Given the considerable width of the pavement along this stretch of the Road, they do not result in a cluttered appearance here.
7. The proposed canopy would be of a simple design, supported by slender steel columns. Due to the gently sloping roof, it would not appear bulky in views from the front. Consequently, the extent to which the roof material would be visible from its surroundings would be limited. The roof would fit neatly under the existing shop sign and thus would not obscure that sign in views across the Road.
8. The proposed height of the canopy would differ from the existing canopy nearby. However, there would be adequate separation between the two such that the proposal would not jar with the proportions of that canopy. Precise details of the finish and detailing of the columns could reasonably be addressed by a condition to ensure the proposal achieves sufficient quality and consistency of finish. The pavement is wide enough to avoid the addition of the three supporting columns resulting in the appearance of unacceptable clutter. Given its simple form and modest size, the proposal would appear as a neat addition rather than an incongruous feature in the street scene.
9. There are Conservation Areas in the vicinity of the appeal site¹. However, the proposal would be viewed in the context of a retail frontage where shop front canopies are already visible and are not an unexpected feature on a shopping street more generally. Moreover, for the reasons given above, the proposed canopy would not appear intrusive in the street scene. Accordingly, it would not harm the setting of these nearby Conservation Areas.
10. Therefore the proposed development would not harm the character and appearance of the surrounding area. Consequently, it would accord with Policy SDC1 and TC1 of the Rugby Borough Council Local Plan 2011-2031 (June 2019). These generally seek to ensure proposals achieve high quality design, taking into account the character of their surroundings. It would also accord

¹ Rugby Town Centre Conservation Area; Rugby School Conservation Area; and Clifton, Hillmorton and Whitehall Road Conservation Area.

with chapter 12 of the National Planning Policy Framework (Framework), which similarly seeks to achieve high quality design.

Conditions

11. The Council has suggested conditions in the event the appeal is successful. I have considered those in light of the Framework and Planning Practice Guidance and made small changes in some instances as set out below. It is necessary to specify the approved plans as this provides certainty on the layout of the proposal and its materials. Materials are specified on the approved plans. Therefore, in light of the approved plans condition, it is not necessary to impose an additional condition requiring that materials used in the construction of the canopy comply with those specified on the approved plans.
12. It is necessary to require details of the materials of the steel columns, including any decorative features, to be submitted for approval. This is to ensure the finish is sufficiently in keeping with the character of the surrounding area. This is necessary to be approved prior to commencement of the canopy and the appellant confirmed their agreement to this condition. I have not imposed a condition stating when the trolley guard is deemed to have been implemented as this is not necessary.

Conclusion

13. For the reasons set out above, the appeal is allowed.

Rachel Hall

INSPECTOR